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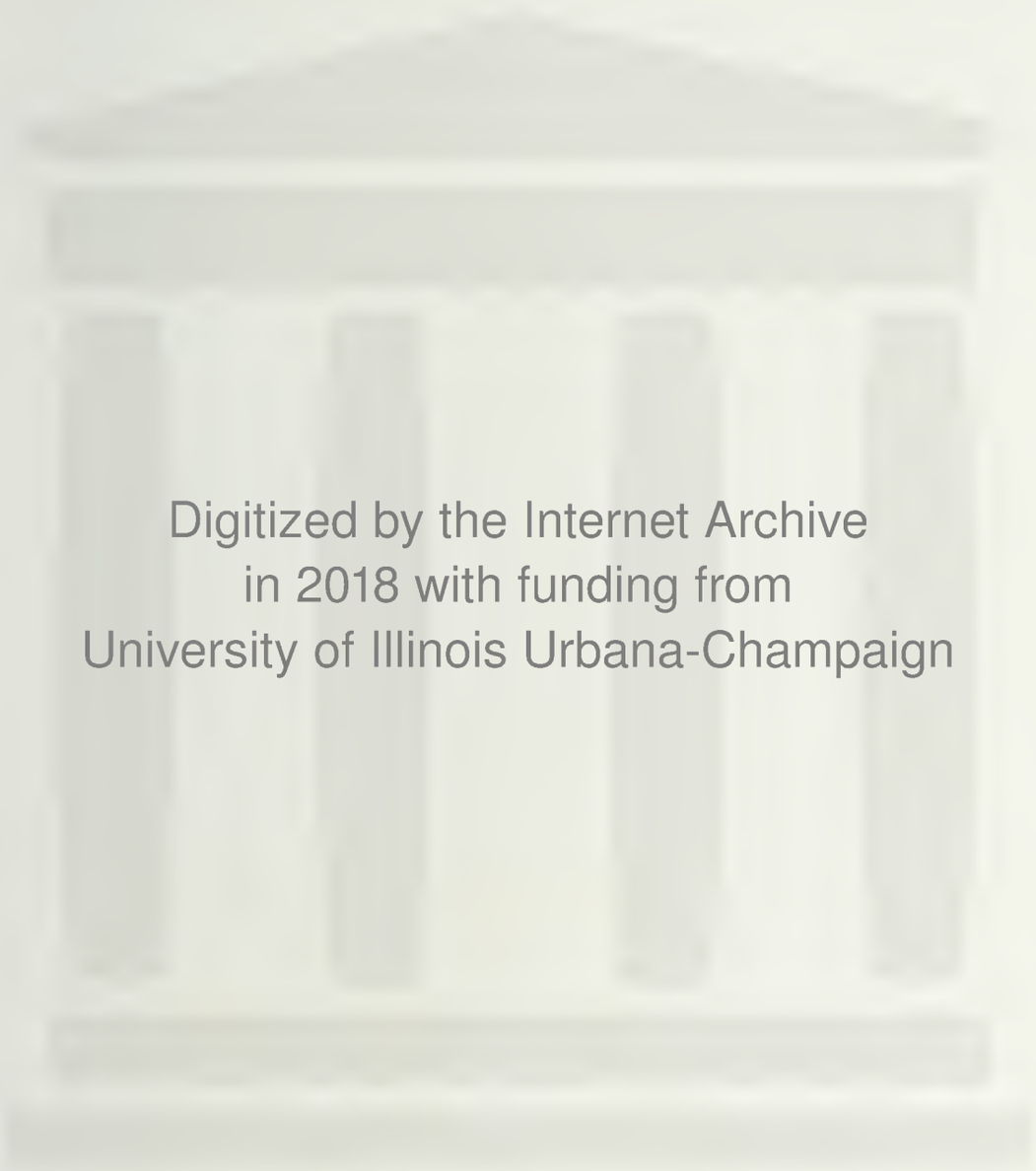

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61st Congress, 3d Session. | SENATE. | Report No. 942.

CHARGES RELATIVE TO ELECTION OF WILLIAM LORIMER.

December 21, 1910.—Ordered to be printed.

Mr. Burrows, from the Committee on Privileges and Elections, submitted the following

REPORT.

[To accompany S. Res. No. 247.]

The Committee on Privileges and Elections, to whom was referred certain charges relating to the election of William Lorimer, a Senator from the State of Illinois, by the legislature of that State, have had the same under consideration, and submit the following report:

On the 7th day of June, 1910, there was referred to the Committee on Privileges and Elections a memorial signed by one Clifford W. Barnes, as president of the Legislative Voters' League, of Chicago, Ill., alleging in substance that the election of William Lorimer, a Senator from the State of Illinois, was secured by bribery. These charges are set forth at length in the proceedings of the Senate for June 7, 1910.

On the 20th day of June, 1910, the Senate adopted a resolution authorizing and directing said committee, or any subcommittee thereof, to investigate said charges. In pursuance of the authority conferred and direction given by the Senate in said resolution, a subcommittee was appointed, consisting of Mr. Burrows, chairman, Mr. Gamble, Mr. Heyburn, Mr. Bulkeley, Mr. Frazier, Mr. Paynter, and Mr. Johnston.

It was thought by the subcommittee to be advisable to make this investigation at the city of Chicago, in the State of Illinois. Accordingly the subcommittee met in that city on the 20th of September, 1910, and proceeded to execute the order of the Senate.

A large number of witnesses were examined and all the available information which, in the judgment of the subcommittee would be of any value in the investigation, was obtained and considered.

It appears from the evidence that Mr. Lorimer was elected a Senator from the State of Illinois on the 26th day of May, 1909, by a joint assembly of the two houses of the General Assembly of the State of

Illinois, receiving 108 votes out of 202 that were cast for the several candidates for that office, as follows:

Albert J. Hopkins	70
William Lorimer	108
Lawrence B. Stringer	24

VOTES REQUIRED TO ELECT.

The question is raised by counsel whether the language of the statute regulating the election of United States Senators requires that in order to elect a Senator the person elected must receive a majority of the votes of all the members elected to each house of the legislature, or whether it is sufficient if one person receives a majority of all the votes cast in the joint assembly, "a majority of all the members elected to both houses being present and voting." This question seems to have been decided by the Senate in the case of Lapham and Miller (Senate Election Cases, 697). In that case it was held that a majority of a quorum of each house is sufficient to elect, and in that decision the committee concur.

BRIBERY.

In a number of cases that have been before the Senate of the United States it has been held that to invalidate the election of a Senator on account of bribery it must be made to appear either—

(1) That the person elected participated in one or more acts of bribery or attempted bribery, or sanctioned or encouraged the same; or

(2) That by bribery or corrupt practices enough votes were obtained for him to change the result of the election.

At what was practically the outset of the investigation, counsel for the Chicago Tribune (who conducted the inquiry against Senator Lorimer) announced that he did not expect to connect Senator Lorimer with any acts of bribery, and upon this point the following took place (Record, p. 66):

Senator HEYBURN. I would suggest it might be well for you here to state what you expect to prove, in order that we may apply the law as to such proof.

Mr. AUSTRIAN. I expect to prove——

Senator BULKELEY. Do you expect to connect Mr. Lorimer with this?

Mr. AUSTRIAN. No, sir; not in that way at all.

Judge HANECY. That is, you do not intend to connect Senator Lorimer?

Mr. AUSTRIAN. I personally do not intend to connect Senator Lorimer. The statement made here by the witnesses that they had some talk with Mr. Lorimer, the committee will please understand, of course, these witnesses, I have never talked with—never talked with but two of the witnesses who will be called upon the witness stand.

Judge HANECY. You do not claim that any witness will say that he ever talked with Senator Lorimer about money?

Mr. AUSTRIAN. I know of no one.

Judge HANECY. You say, in that connection, you said that they would show that they had some conversation with Senator Lorimer?

Mr. AUSTRIAN. Oh, they had, but what that conversation was I do not know.

Judge HANECY. But not in relation to the payment of money or any corrupt practice, you do not mean?

Mr. AUSTRIAN. I should say not.

And that he did not contend that "he (Senator Lorimer) had anything to do with it." (Record, p. 80.)

It will be remembered that on the 28th of May, 1910, shortly after the charges appeared in the public press, Senator Lorimer in the open Senate denied any act of bribery on his part in connection with his election in the most emphatic terms, and demanded an investigation by presenting the following resolution (Cong. Record, vol. 45, pt. 7, p. 7020):

IN THE SENATE OF THE UNITED STATES.

MAY 28, 1910.

Mr. Lorimer submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"*Resolved*, That the Committee on Privileges and Elections be directed to examine the allegations recently made in the public press, charging that bribery and corruption were practiced in the election of William Lorimer to a seat in the United States Senate, and to ascertain the facts in connection with these charges, and report as early as possible; and for that purpose the committee shall have authority to send for persons and papers, to employ a stenographer and such other additional help as it shall deem necessary; and the committee is authorized to act through a subcommittee; and its expense shall be paid from the contingent fund of the Senate."

It should further be stated that there was no testimony offered during the investigation which would tend in the remotest degree to implicate Senator Lorimer in any personal act of bribery or attempted bribery or corrupt practices of any nature.

It is claimed, however, that several members of the legislature were, in fact, bribed to vote for Mr. Lorimer, and if established it remains to inquire whether a sufficient number of members of the General Assembly of the State of Illinois were bribed to vote for Senator Lorimer to render his election to that office invalid.

It was to this question that the evidence taken on the investigation was chiefly directed and the subcommittee, who made the investigation, not only heard the testimony but observed the witnesses while on the stand, their demeanor while testifying, their apparent candor or want of candor in giving their testimony, and other indicia of the truth or falsity of the story they were telling.

Four members of the general assembly which elected Mr. Lorimer testified to receiving money as a consideration for their votes. The members who thus confessed their own infamy were Charles A. White, Michael Link, H. J. C. Beckemeyer, and Daniel W. Holstlaw.

CHARLES A. WHITE.

The chief of these self-accusers and the one on whose testimony the whole fabric of the accusation largely depends was Charles A. White, a member of the lower house of the Illinois General Assembly. White seems to have developed early in his legislative career an insatiable desire to secure a pecuniary compensation for his official acts, and he also appears to have suspected his fellow members of the general assembly of being as corrupt as himself. He endeavored to induce the chairman of an important committee to defer reporting a bill in order to extort money from those who were interested in its passage. After Mr. Lorimer had been elected to the Senate, White tried to obtain information from another member of the house whether money had not been used to promote Senator Lorimer's election. This inquiry not only shows his corrupt character, but also casts suspicion upon the truth of his story that he had been bribed to vote for the successful candidate for Senator.

After wasting his salary and other means in riotous living, White appears to have conceived the plan of claiming to have been bribed in connection with the senatorial election as a basis for extorting money from Senator Lorimer. This purpose he reveals to two of his friends and then attempts to put it into execution. In this he signally fails, as appears from the following correspondence:

O'FALLON, ILL., *12–4–09.*

Hon. WM. H. LORIMER,
Washington, D. C.

MY DEAR SIR: I am preparing to place before the people of this country an article I have written giving my true experience as a member of the Illinois legislature. The article will appear either in book form or will be published in one of the largest magazines in the United States.

I have just completed the manuscript, which contains about 30,000 words, giving in detail my absolutely true experiences as a member of the forty-sixth general assembly. As yet I have not closed a deal with any publishing house, but when my terms are acceptable will dispose of it.

I have been offered a sum sufficient to value the manuscript at about $2.50 per word.

Believing that you would be more than deeply interested in the works and actions of the members of the last session of the Illinois legislature, owing to the fact that possibly your experience with that general assembly will be one of the questions freely discussed, and assuring you that I have severed all connections with the party leaders, as I am to be independent in the future in all my political dealings,

I am, respectfully, yours, CHAS. A. WHITE.

(Record, p. 125.)

To this communication Senator Lorimer replied as follows:

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

MY DEAR SIR: I am in receipt of your letter of December 4 in which you advise me that you have manuscript ready to place with publishers treating of your experience as a member of the Illinois Legislature.

I would be very glad indeed to know of your success as an author.

With kindest personal regards, I am,

Very truly yours, WILLIAM LORIMER.

(Record, p. 164.)

Questioned by the committee as to his purpose in writing Senator Lorimer, Mr. White testified:

Senator PAYNTER. If I understood you, Mr. White, correctly, that you hoped to get a letter from Senator Lorimer that you could use in connection with this publication?—A. Yes, sir.

Q. Well, by that, I suppose that you expected a letter from Senator Lorimer that might aid to support your charges. Is that the hope you had in the matter?—A. Yes, sir; I had no evidence against Senator Lorimer directly, and had no dealings with him.

Q. The letter recites in substance, I do not remember the exact language, that you had been made an offer or some inducement had been held out that indicated that the manuscript was worth $2.25 a word—or $2.50 a word, I mean. That is the language of it, "I have been offered a sum sufficient to value the manuscript at about $2.50 per word." Suppose that Senator Lorimer had placed the same value upon the manuscript that you did, and had offered you $75,000, would you have taken it?—A. I would have let him have the manuscript.

Q. For $75,000. Would you have accepted $75,000 if he had offered it to you?—A. I don't think I would; if I had I might have turned it over to somebody else.

Q. You would have turned the money over to some one else?—A. I might have done that.

(Record, p. 126.)

Thereafter, Mr. White attempted to sell his story to eastern publications and subsequently did contract to sell it to the Chicago Tribune for the sum of $3,500, a part of White's agreement being that he would assist in substantiating the correctness of his story. This agreement was reduced to writing and is as follows:

[Exhibit 5.]

THE CHICAGO TRIBUNE, OFFICE OF PUBLISHER,
Chicago, Ill., April 29, 1910.

TO CHARLES A. WHITE:

You offered to sell to us for publication a story written by you, which story gives your experiences while a member of the house of representatives of Illinois during 1909–10, and giving also certain information as to what transpired by reason of your voting for certain measures, etc., while a member of such house.

We refused to pay you for that story or to print the same unless such story was verified and corroborated by persons selected by The Tribune.

For more than four weeks we, with your cooperation, through different agencies, have caused your story to be fully investigated.

For the sole and exclusive right hereby granted by you to the Tribune Company to publish this story, or a revision thereof or excerpts therefrom in the Chicago Tribune and copyright it either in your name or in that of the Tribune Company, but in which shall be at our election, and also in full compensation for the time already spent by you in assisting us in obtaining corroborative evidence of the facts contained in this story, and in full payment for all your time, which shall be devoted by you to further substantiate this story at any time, which time you hereby agree to devote to that purpose as and when called upon so to do, the Tribune Company hereby agrees to pay you $3,250, of which said sum $1,250 shall be paid upon the printing of the said story or the first installment thereof, $1,000 thirty days after said first payment, and $1,000 sixty days thereafter.

You reserve to yourself all book or other rights to the story other than the exclusive newspaper rights hereinbefore referred to, which belong under the terms hereof to the Tribune Company.

J. KEELEY,
Vice-President Tribune Company.

CHICAGO, ILL., *April —, 1910.*

TO THE CHICAGO TRIBUNE, AND THE TRIBUNE COMPANY.

GENTLEMEN: I have read the above and foregoing and agree to the terms thereof, and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate the story referred to as and when requested by you so to do and in such manner as you may direct.

CHAS. A. WHITE.

(Record, p. 104.)

White's account of the alleged bribery of himself is given circumstantially and in detail, but in this he has been shown to have falsified in several important particulars concerning which he could not have been mistaken had his narrative been true. Among other things he stated that Browne came to his room shortly before the election of Senator Lorimer and that two men named Yarborough were then in the room. But it was proved by two reputable and credible witnesses that on the evening in question one of these men was in Chicago.

Without further reference to the details of White's testimony, it may be said that after seeing, observing, and hearing this witness it was the opinion of a majority of the subcommittee that no credence ought to be given to any part of his testimony tending to establish the fact of bribery. And after carefully reading the testimony given by White in the investigation, a majority of the committee concur in the opinion of the subcommittee in that regard.

MICHAEL LINK.

According to the testimony of this witness, he was paid the sum of $1,000 by Lee O'Neil Browne some time after Mr. Lorimer had been elected to the Senate. He further testified that no money was paid or promised him before he voted for Mr. Lorimer; that he made up his mind as early as in the month of March, 1909, to vote for Mr. Lorimer if an opportunity for so doing should occur, and promised Mr. Lorimer his vote some time in advance of the election of a Senator. When accused of having received money for voting for Mr. Lorimer he denied it. When summoned before a grand jury he stated under oath that he had not received any money as a consideration for his vote for Senator. Following this statement he was compelled, by means fully set forth in his testimony, to retract his former statement and testify to having received money for his vote for Mr. Lorimer, as shown by the following:

Cross-examination by Judge HANECY:

Q. You are a farmer, I believe, are you?—A. Yes, sir.

Q. And have been all your manhood life?—A. All my life; born on a farm.

Q. You have lived in Madison County for how long?—A. Twenty-three years.

Q. You live out some distance from——A. (Interrupting.) A mile from Mitchell, a little station.

Q. When were you first elected to the legislature?—A. In November, 1906.

Q. Is it not a fact that everybody from the southern part of Illinois, Republicans and Democrats, who desire to meet each other at any place generally go to St. Louis?—A. Yes, sir; from time to time men for years have met members of the legislature there.

Q. Was it very much easier to go to St. Louis than to any other town that has any hotel accommodations south of the central part of Illinois?—A. Yes, sir.

Q. It is very much easier to go there than from any other part of southern or central Illinois than it is to go to Chicago, isn't it—very much easier to go to St. Louis?—A. Yes, sir.

Q. It is practically a uniform practice, is it not?—A. Yes, sir.

Q. When anybody, for political or other reasons, want two or three to get together for any purpose, they meet at St. Louis?—A. Yes, sir.

Q. That has been the case for a great many years?—A. Yes, sir.

Q. Did Tierney and White talk with you or come down there more than once?—A. Not White; Tierney was there the second time. and I pretty nearly forgot the incident, when I met him somewhere about Mitchell, about the station. I went in for my mail, or, perhaps, to buy something.

Q. Did he try to get some information from you or try to get some admissions from you?—A. He certainly did.

Q. Did he tell you that he was a detective connected with the Maguire and White Detective Agency, detectives for the Chicago Tribune?—A. No; he said he represented Gov. Deneen.

Q. You were then summoned or told to come up here?—A. Yes, sir; by subpœna.

Q. And you did come up?—A. I certainly came up.

Q. When you came up where did you go?—A. I went to the Morrison Hotel.

Q. Then did you go to the state's attorney's office?—A. Yes, sir.

Q. When you went to the state's attorney's office did you see Mr. Wayman. the state's attorney, or Mr. Arnold, or Mr. Marshall?—A. Mr. Arnold and Mr. Marshall, I think; I did not see Mr. Wayman.

Q. Which one did you see?—A. I think it was Mr. Marshall, I am not positive; I rather think it was.

Q. It was one of the assistant state's attorneys?—A. Yes, sir; one of the assistant state's attorneys.

Q. Tell the conversation, the language used by each as nearly as possible, and if you can not do that, give the substance as nearly as you can.—A. Well, I had a conversation with Mr. Marshall something like this: He says to me, "If I were you I would not be here telling damned lies before this grand jury;

I would tell the truth.' Then I told him he would not tell me that outside very well or we might mix.

Q. Had you been before the grand jury then?—A. I think I had; yes, sir.

Q. What I want to do is to commence before—just before you were taken to the grand-jury room, and I would like to have you——A. (Interrupting.) I didn't have any particular conversation to my recollection with any one of the asistant State's attorneys.

Q. You went there, you don't remember how, and was taken before the grand jury?—A. Yes, sir; when my turn came.

Q. They asked you there in relation to your voting for Senator Lorimer for United States Senator?—A. I was in the grand-jury room; yes, sir.

Q. That is what I wanted to know.—A. Yes, sir.

Q. You were examined by whom?—A. By Mr. Wayman.

Q. By Mr. Wayman himself?—A. By Mr. Wayman himself; yes, sir.

Q. What did he ask in relation to that subject? I don't care about anything else.—A. He asked me if I voted for Senator Lorimer, and I told him yes. According to my recollection I told him, "Certainly, I voted for Senator Lorimer and was proud of it; no excuses to make."

Q. What took place then? Did he ask you if you had been paid anything for voting for Senator Lorimer?—A. Yes, sir.

Q. What did you tell him?—A. I absolutely denied it.

Q. You didn't tell this to Mr. Wayman individually, but in answering his question to the whole grand jury?—A. Yes, sir.

Q. All the conversation you had with Mr. Wayman in the grand jury room was public conversation before the grand jury?—A. That is all at that time. I had some conversation—at that time—yes, sir—at that time.

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember and your replies.—A. I denied receiving any money for voting for Senator Lorimer.

By Judge HANECY:

Q. Then did you leave the grand jury room?—A. Yes, sir.

Q. After those different questions were asked you?—A. Yes, sir; at that time I did.

Q. Do you remember what day of the week or day of the month that was you first went before the grand jury?—A. That was the 5th or 7th of May; it was right along there, the early days of May.

Q. May of this year?—A. Yes, sir; May of this year.

Q. When you left the grand jury room were you put in the custody of an officer?—A. I certainly was.

Q. Were you indicted at that time or was there any complaint or charge made against you at any place?—A. No, sir.

Q. Who put you in charge of an officer?—A. Well, I presume Mr. Wayman did. To my knowledge I was in charge directly of an officer.

Q. Who was the officer?—A. Well, there were two or three different officers.

Q. The first one?—A. I disremember his name. Mr. O'Keefe was with me most of the time.

Q. Was it Oake?—A. I think that is his name.

Q. He was the first officer?—A. Yes, sir.

Q. He was a police officer, a detective appointed to the State's attorney's office at that time?—A. Yes; I understood so.

Q. Did he take charge of you at that time?—A. Certainly.

Q. How long did you remain in his custody?—A. I disremember.

Q. About?—A. The first night I think I went to dinner with him—the first night, I believe; that would be on Wednesday night of the week; and I remained in his custody and he kept his eye on me like I was a criminal. Oake would not allow me to telephone to friends, and was keeping his eye on me, and I was not allowed to discuss any matters at all.

Q. Was he armed at the time, and did he take out his revolver and his billie and put them on the table in the hotel, so you could see them?—A. He did not, but other detectives did; I suppose he was armed, but I don't know to my knowledge.

Q. Other officers did?—A. Other officers did.

Q. Were you continuously in the charge of some officer of the State's attorney's office, after that time?—A. I certainly was.

Q. Up to what time?—A. Until I was permitted to go home on Saturday morning.

Q. What day?—A. It was the week I was here; I disremember—it was from the 5th, 6th, 7th, 8th, or 9th, or something of that kind, of May.

Senator BURROWS. It was Saturday morning of that week?—A. Yes, sir.

Q. You came up here what day of the week?—A. I came here Tuesday evening.

By Judge HANECY:

Q. You went before the State's attorney—went before the grand jury Wednesday morning, did you?—A. I believe so.

Q. When you went back home again, did an officer go with you?—A. Not at that time.

Q. Did an officer from the State's attorney's office come down and get you afterwards?—A. Yes, sir.

Q. When, after that Saturday morning that you went home?—A. That was the—well—I wish to correct that. I got a subpœna served to me to go to Springfield on my return home Saturday evening of this week. I went to Springfield from this subpœna and acknowledged it, and a detective went home with me from Springfield and stayed with me.

Q. That was a subpœna to appear before the grand jury at Springfield?—A. Yes, sir.

Q. When was that?—A. That was the week following I was here.

Q. Was it the first of the week or the middle of the week or the last?—A. Well, I think it was on Monday following the Saturday I left Chicago.

Q. When did you leave Springfield to go home? You got there Monday?—A. That evening.

Q. Monday evening?—A. Yes, sir.

Q. Did an officer from the State's attorney's office of Cook County go with you back home from Springfield on Monday evening?—A. Yes, sir.

Q. Did he take you into custody?—A. Well, I was not arrested.

Q. Did he stay with you there all the time?—A. He went to my house, but went to St. Louis, I believe, one day while at my house in the country; but he went home with me and stayed with me, but, of course, he went to St. Louis during one day.

Q. He was with you wherever you went?—A. Yes, sir.

Senator PAYNTER. Was that officer from Chicago or Springfield?—A. Chicago.

Senator GAMBLE. How long was he with you?—A. Four days.

Q. At your home?—A. Until I insisted upon having him called off.

Q. Did he stay at your home?—A. Yes, sir.

By Judge HANECY:

Q. All the time?—A. Yes, sir.

Q. Except when you went out, and then he went with you?—A. He went to St. Louis during that time by himself.

Q. How far are you from St. Louis, about?—A. About 15 miles.

Q. You can go there by electric line?—A. Yes, sir; and get back in two or three hours, at any time.

Q. Then did another officer—I will withdraw that—did the State's attorney of Sangamon County, Springfield, send any officer with you after you had been examined there before the grand jury?—A. No, sir.

Q. He never had you in custody?—A. No, sir; they don't use those methods.

Q. When the officer left Springfield—the officer from the State's attorney's office in Cook County left with you to go to your home from Springfield—did he have any warrant against you?—A. No, sir.

Senator GAMBLE. Was there any warrant for your arrest?—A. No, sir.

Senator GAMBLE. Or a subpœna served on you?—A. A subpœna to appear at Springfield.

By Judge HANECY:

Q. After you left Springfield and went back home was there any subpœna or warrant against you?—A. No, sir.

Q. What was that officer's name?—A. That was O'Keefe that called for me.

Senator JOHNSTON. What did the officer say he accompanied you from Springfield for?—A. He claimed it was for my own protection. I told him positively that I needed no protection; that I could protect myself.

Q. Did he insist upon staying at your house?—A. He was under orders from a gentleman in Chicago.

Q. Who was the next officer who had charge of you?—A. Well, I think after that time I was under the direction of O'Keefe until I read what is called the "riot act" to Wayman.

Q. When was that?—A. That was about a week before the first Browne trial, when I told Wayman no more detectives for me. "If you have got a warrant, arrest me; if I am guilty of anything, arrest me; but no more detectives; I shall not submit to detectives any longer." That was my conversation.

Q. Did O'Keefe then go to Chicago with you and stay with you at the different hotels or wherever you were kept?—A. He did until a week before the Browne trial; then no more detectives after that for me.

Q. He did stay here until that time?—A. Yes, sir.

Q. The first trial of Browne commenced about the 7th to the 10th of June; that is right, isn't it?—A. Yes, sir; I think so.

Q. Now, after you were before this grand jury, the first grand jury, and told Mr. Wayman, the State's attorney, and the grand jury that you never got any money from anybody, Browne or anybody else, for voting for Lorimer for United States Senator, were you indicted?—A. I was indicted for perjury either the second or third day I was here—I am not positive which—after my denial.

Q. Was it the second or third day after you first went before the grand jury?—A. It was either the second or third day, I guess the second. I am not positive whether the second or third day.

Q. You were indicted for perjury?—A. Yes, sir.

Q. By the same grand jury you had been before?—A. Yes, sir.

Q. After you were indicted for perjury were you taken by the State's attorney or any of his assistants and talked with about your testimony and about your indictment?—A. I guess I was.

Q. Now, what was the first thing that was done after you were indicted for perjury by him?—A. They kept flaunting the indictment for perjury against me.

Q. Doing what?—A. Putting it in front of my face, showing it to me and speaking to me.

Senator GAMBLE. Who did that?—A. The assistant State's attorney and the State's attorney himself.

Q. Tell the names of the assistant State's attorneys.—A. Mr. Marshall.

Q. Did State's Attorney Wayman do that, too?—A. He didn't throw it in my face; he would show it to me and talk to me about losing my home, putting my home on one side and the penitentiary on the other.

Q. State to this honorable committee what State's Attorney Wayman told you about the indictment for perjury.—A. He told me if I would go before the grand jury and state that I had received some money from Browne and Robert E. Wilson that I would be cleared and go home a free man. That is what he told me.

Senator BURROWS. Anything else said?—A. Well, I told him that I had told him all I knew, and he denied that I had. We kept up the conversation, and he said he was a farmer himself in his early days South. I told him I was a farmer, and he told me, he says: "You come up here"—the conversation drifted along this line—"and let these Chicago lawyers get a hold of you and they will take your farm away from you." That was the line of talk; and he told me to rest over that night—that was Friday evening—and to come in by 10 o'clock on Saturday morning and make a confession, and he would have the perjury charge expunged from the record, and I would go home a free man. That was the sum and substance of the conversation.

Q. They had more than an hour to talk to you about that?—A. Yes, sir; something of that kind.

Q. What time of day was that conversation; what time did it end?—A. It was somewhere between 5.20 and 6.30; it was 6.30 when I left the Criminal Court Building that evening.

Q. Then were you put in the custody of an officer when you left the State's attorney?—A. Yes, sir.

Q. Who was that officer?—A. That was Mr. O'Keefe.

Q. What did he do with you?—A. He took me back to the Morrison Hotel.

Q. Did he stay there with you?—A. Yes, sir.

Q. All the time?—A. Yes, sir.

Q. Was it he that took his revolver billie out and put it on the table in your presence?—A. Yes, sir.

Q. Did he talk with you about what the State's attorney talked to you about—about your going back and telling what the State's attorney wanted you to tell?—A. Yes, sir.

Q. What did Detective O'Keefe from the State's attorney's office say to you in that respect?—A. He said: "Link, I would not stand by the other fellows, I would stand by Wayman, he is the man to stand by in this matter; make a

confession. I don't like to see you get into trouble and you are going to get into trouble."

Q. Mr. Link, how long during this conversation between you and O'Keefe, how long did O'Keefe talk to you?—A. Off and on, but I disremember the number of times; it was not continuous, of course, but off and on during the time he was with me.

Q. Off and on between the times you and the State's attorney had the talk and he took you back there?—A. Prior to that night, too.

Q. All the time you were in his custody?—A. Yes, sir.

Q. Now, did Officer O'Keefe take you back to the State's attorney's office the next morning?—A. Yes, sir.

Q. That would be Saturday morning?—A. Yes, sir.

Q. Did you talk with, or did Thomas Maguire, of the Maguire & White Detective Agency, talk with you?—A. Yes, sir; he was present nearly every time I met Wayman, and Wayman and myself were in Wayman's room.

Q. What did Maguire say to you?—A. He tried to put words in my mouth several times.

Q. Words about what?—A. He said I should not be friendly to the Browne side, and the Lorimer side, and so forth; "It doesn't look well, Link; that don't look well." I told him it was none of his business; I would take up for my friends wherever I saw fit to take them.

Q. Did Thomas Maguire, the detective, say this to you—that you had better tell what you knew or you would go to the penitentiary; did Maguire say that to you?—A. I rather think one of the assistant State's attorneys told me that; I don't know whether Maguire said that to me or not, but his conversation ran on that line. I think that was Arnold; 20 minutes before 5 o'clock that evening of that week.

Q. What was that conversation you had with Assistant State's Attorney Arnold in which he said that to you?—A. Mr. Arnold came to me and says, "Link, you have got just 20 minutes to save your life." I says, "What do you mean?" He says, "You have got just 20 minutes to go in and tell all you know to save your life." I says, "I have told all I know." He says, "All right, Link, it is your funeral; it is not mine." He goes into the grand jury room and an indictment was returned that evening. I told him I had told all I knew.

Senator PAYNTER. An indictment against you?—A. Yes, sir; for perjury.

Q. Arnold said that you——A. He said I had 20 minutes to save my life.

Q. That was just before——A. (Interrupting.) Twenty minutes before the grand jury adjourned at 5 o'clock, Friday afternoon or evening.

Q. Were you told that night that you were in the custody of an officer of the State's attorney and that you had been indicted for perjury?—A. Yes, sir.

Q. Who told you that? Was it a detective or one of the assistant State's attorneys?—A. It was, I think, Mr. Wayman himself that told me that.

Q. Mr. Wayman himself told you that?—A. I think so.

Q. Did Mr. Arnold say to you in that conversation that you have been referring to, just before you were indicted for perjury, that if you didn't tell what they wanted you to that they would send you to the penitentiary?—A. That it was my funeral; yes, sir.

Q. Did he use the word "penitentiary"—that he would send you to the penitentiary?—A. I am not quite certain; I am not positive; but he used that kind of terms to me.

Q. Did he lay special stress upon the word "penitentiary" in talking to you?—A. Mr. Wayman laid more stress on that than any of his assistants.

Q. That is, that he would send you to the penitentiary?—A. He pictured it very, very strenuously between the penitentiary and my home.

Senator BURROWS. Will you state what he said?—A. He said, "It will be much better for you to be here with your family than to go to the penitentiary and lose your home." He pictured what the penitentiary was, and so forth.

Senator BURROWS. What did he say?—A. That I might lose my home, and he put a great deal of stress on the penitentiary and my home—I being a farmer away from my home and my family.

Q. Did Mr. Wayman say anything in picturing the penitentiary on one side and your home on the other about your wife?—A. Why, certainly.

Q. Tell the committee what he said.—A. Well, that I would lose my home, and that meant I would lose my wife, too.

Q. Did he say what would be done if you would go before the grand jury and tell what he wanted you to?—A. That I could go home a free man and not a perjurer in any manner, shape, or form.

Senator BURROWS. If what?—A. If I went before the grand jury and made an acknowledgment.

Senator BURROWS. An acknowledgment of what?—A. If I had received $1,000 from Browne.

Senator FRAZIER. Was that true that you had received $1,000?—A. I shall not deny it; it is true.

Q. Did not the State's attorney say to you that if you would go on and say that you had received $1,000 from Browne for voting for William Lorimer for United States Senator that you could go home?—A. Yes, sir.

Q. That was not true?—A. That was not true; no, sir.

Q. Did Mr. Wayman tell you that you had been indicted and that he would take you before the criminal court for trial on that indictment if you didn't go before the grand jury and tell that body what Mr. Wayman wanted you to tell?—A. Why, certainly; he said I would have to give a bond, and it was a $15,000 bond, and they made it $5,000, I think.

Q. Did Mr. Wayman tell you what he would do if you would go before the grand jury and tell them what he wanted you to tell them? Did he tell you what he would do with the indictment?—A. Nolle pros it and have it expunged from the record, so in future years it would not be on the record.

Q. Did you say to Mr. Wayman, "Well, I will go before the grand jury and lie if I have to; but I don't want to;" did you say that or that in substance?—A. That in substance.

Q. What did you tell the grand jury, then?—A. I told the grand jury that I had received $1,000 from Browne and that I had received $900 through Robert Wilson; that is what I told the grand jury.

Q. Did you tell the grand jury that you had received that money or any part of it for voting for Senator Lorimer for United States Senator?—A. Positively no.

Q. Just before you went before the grand jury that last time did Mr. Wayman tell you that if you would go and tell the grand jury what he wanted you to you would keep out of trouble and keep from disgracing your family?—A. Yes, sir.

Q. After you went before the grand jury with Mr. Wayman the last time and told the grand jury what Mr. Wayman asked you to, what, if anything, did Mr. Wayman or his office do in relation to the indictment against you for perjury?—A. Well, he took me before Judge McSurely, I think it was, and said: "Mr. Link has made a clean breast of the whole affair." I didn't know what he called a "clean breast," but those were his words. I denied making a clean breast of anything except the truth.

Q. Did Mr. Wayman have the indictment against you quashed?—A. Yes, sir.

Q. He took you before Judge McSurely and asked to have it done, and Judge McSurely did it?—A. Yes, sir.

Q. Did you still continue in the custody of the officer?—A. No, sir; he allowed me to go home.

Q. Did he put you in the custody of an officer after that time?—A. Certainly.

Q. When?—A. The following week.

Q. That was Saturday that he dismissed the indictment against you?—A. Yes, sir.

Q. When, the next week, were you put in the custody of another officer?—A. Monday night or Tuesday night—I think it was Monday night of the following week. A subpœna was served on me to go to Springfield, and immediately on my return home on that Saturday evening—I returned home about 6.30; that is my home town; I didn't get home quite that early.

Q. Did that officer or some other officer from the state's attorney's office keep you in custody all the time—until about the time of the first Browne trial?—A. I wrote a letter to Mr. Wayman that I would not submit to it and told him personally when I came to Chicago no more detectives for me; that I would not play hide and go seek any longer; that I was not a criminal, and that I would not stand for it. I wrote him such a letter from my home, and told him to recall Mr. O'Keefe, which he did.

Q. When was that?—A. After he was with me; I think about four days there.

Q. Do you remember what day of the month that was, or what month?—A. No, sir; it was during the month of May.

Q. When was it with respect to the commencement of the first Browne trial?—A. It was some little time before the commencement of the trial.

Q. About how long?—A. About three or four weeks; perhaps three weeks or something; I don't know. I told him positively that I would not submit to it, and when I saw Mr. Wayman, a week before the first Browne trial, I told him that personally.

Q. What I want to know is, if you were put into the custody of an officer from the State's attorney's office after you were indicted for perjury and that indictment for perjury had been dismissed?—A. Yes, sir.

Q. You were still kept in the custody of an officer?—A. Yes, sir.

Q. Was there any charge against you of any kind that you know of?—A. None whatever.

Q. After that indictment for perjury had been dismissed?—A. Well, by Mr. Wayman's advice I refused to answer questions at Springfield. I had to go to Springfield two or three times, and at his advice refused to answer the questions.

Q. Were you summoned before the grand jury in Springfield as a witness?—A. Yes, sir.

Q. Did Mr. Wayman know that you had been summoned as a witness there?—A. Yes, sir.

Q. Did he talk with you about whether you should go before the grand jury in response to the subpœna of the court?—A. Not as to whether I should go, but as to whether I should answer certain questions or not.

Q. Did he tell you whether or not you should answer questions that might be asked you?—A. Yes, sir.

Q. By the grand jury or the State's attorney of Sangamon County?—A. Yes, sir.

Q. What did he tell you?—A. He told me not to answer, but to stand on the ground that I might incriminate myself by answering any questions before the grand jury.

Q. Did you tell Mr. Wayman that you were not afraid of incriminating yourself?—A. Certainly; I told him I wanted to answer the questions my way that were put to me there.

Q. What did he say to you?—A. "Don't do it, Link; don't do it."

Q. Did he know that the State's attorney and the grand jury of Sangamon County had summoned you before the grand jury to testify in relation to these matters?—A. Yes, sir.

Q. What did he tell you as to the subject-matter? Did he tell you not to answer the questions of the State's attorney or the grand jury of Sangamon County?—A. If the senatorial committee please, the question all hinged upon one answer, "No" or "Yes," to one certain question, and that question was, "Did you receive or were you offered or do you know of anybody being offered any money in Springfield for voting on any question?" That was the question, and when I finally got permission from Mr. Wayman, which I answered positively, right straight out, "No." I answered, "No." That is all there was about that. He wouldn't let me answer the question at all.

Q. Did you have a conversation in the criminal court building about a week prior to the trial of Lee O'Neill Browne with H. J. C. Beckemeyer, in the criminal court building about a week before the first Browne trial began?—A. Yes, sir; it was just about a week before—a week prior.

Q. Did Beckemeyer say to you, "Our testimony will be alike, word for word?" And did you say, "No, Beck, I have got the best of you; I promised to vote for Lorimer eight or ten days before Browne spoke to me about it"?—A. That conversation took place.

Q. As I read it?—A. Yes, sir.

Q. Did Beckemeyer say to you, "Yes; you have the best of me in that"? Then did you say to Beckemeyer: "Beck, I don't believe that Lorimer ever put up a dollar for his election, or that anybody else ever put up a dollar for him"? And did Beckemeyer say, "I don't believe he did, either"?—A. That was the conversation, word for word, as near as I can remember it.

Q. Did you ever receive any money or any other thing of value from anybody—Browne, Wilson, or anybody else—on condition, or on the promise or agreement or understanding, directly or indirectly, that you were to vote for William Lorimer for United States Senator?—A. I certainly did not.

Senator GAMBLE. Or after he had voted for Lorimer.

Q. Did you ever receive any money from Lee O'Neil Browne, Bob Wilson, or R. E. Wilson, whatever his name is, or anybody else, or from any source what-

ever, or did you receive any other thing of value at any time from anybody because you had voted for William Lorimer for United States Senator?—A. No, sir.

Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for William Lorimer for United States Senator, or if you had voted for William Lorimer for United States Senator, any consideration of any kind?—A. None whatever.

Q. Did you vote for William Lorimer for United States Senator for any other reason than that you liked him, and that you favored and that your people favored the things he favored in relation to the deep waterway from the Lakes to the Gulf?—A. That is why I voted for him.

H. J. BECKEMEYER.

This witness also testified before the subcommittee that he had received money from Lee O'Neil Browne as a reward for his vote for Senator Lorimer, but he also testifies that no money or other compensation was promised him before he voted for Mr. Lorimer. His experience before the grand jury was similar to that of the witness Michael Link, and as against his declaration last made before the grand jury and repeated to the subcommittee we have his statement to Michael Link denying the use of money in the senatorial election, and also to Robert E. Wilson that he did not get any money for voting for Mr. Lorimer, and if anyone said so he was a liar.

D. W. HOLSTLAW.

This witness testified that in a conversation with Senator Broderick he told Broderick that he intended to vote for Mr. Lorimer for Senator, to which Broderick replied, "Well, there is $2,500 for you," and that sometime afterwards Broderick paid him $2,500. This witness was also driven to making this statement by certain proceedings taken before a grand jury of Sangamon County, Ill., and in many respects the story told by this witness seemed to the subcommittee to be a highly improbable one.

The circumstances before referred to and many others which might be instanced, tended to render the testimony of each and all the witnesses who have been named, of doubtful value. And in each case in which it was claimed that some member of the Illinois General Assembly had been bribed to vote for Mr. Lorimer, the accusation was positively denied by the person accused of committing the alleged act of bribery. And after a careful examination and consideration of all the evidence submitted, the committee are of the opinion that even if it should be conceded that the four members of the Illinois General Assembly before referred to received money in consideration for their votes for Mr. Lorimer, there are no facts or circumstances from which it could be found or legally inferred that any other member or members of the said general assembly were bribed to vote for Mr. Lorimer.

The majority for Senator Lorimer in the joint assembly of the two houses of the General Assembly of the State of Illinois was 14. Unless, therefore, a sufficient number of these votes were obtained by corrupt means to deprive him of this majority, Mr. Lorimer has a good title to the seat he occupies in the Senate. If it were admitted

that four of the members of the general assembly who voted for Mr. Lorimer were bribed to do so, he still had a majority of the votes cast in the general assembly, and his election was valid.

CASE OF BROWNE, BRODERICK, AND WILSON.

It is, however, declared that if the four witnesses before named were bribed to vote for Mr. Lorimer, those who bribed them were equally guilty and that the votes of Browne, Broderick, and Wilson should also be excluded. But the committee can find no warrant in the testimony for believing that either one of said legislators was moved by any corrupt influence. Browne's reasons for voting as he did are clearly set forth in his testimony. He was the leader of a faction of the minority of the house, and for certain political reasons he thought it good policy to aid in the election of some member of the majority party other than those who had received a considerable number of votes in the general assembly.

The suggestion that his vote and the votes of others whom he might be able to influence should be given to Mr. Lorimer was first made to him by the speaker of the Illinois House of Representatives, and there is no suggestion in the testimony that Mr. Shurtleff, in thus attempting to bring about Mr. Lorimer's election, was actuated by any improper motive. And the fact that many members of the minority party in the Illinois General Assembly voted for Mr. Lorimer creates no well-grounded suspicion that they were bribed to do so. It is not the first instance in the history of this country in which the members of the minority party of the legislature of a State have joined a few of the members of the party in the majority in electing a Senator from the ranks of the majority party. As to Senator Broderick, there is no testimony that he was bribed to vote for Mr. Lorimer. He not only emphatically denies that he received any money for his vote, but gives his reasons for voting as he did.

Nor is there any evidence in the record from which a legal inference could be drawn that Representative Wilson was bribed to vote for Senator Lorimer. As is hereinafter stated, if Wilson was guilty of any act of bribery, it was not in connection with the senatorial election. There is, therefore, no good ground for deducting his vote from those received by Mr. Lorimer.

Much of the testimony taken upon the investigation related to the alleged payment of money to members of the General Assembly of Illinois by one Robert E. Wilson. This was denied by Wilson and by others, and after considering all the evidence on that subject, the committee are not prepared to find that the fact is established. But whether the sums of money claimed to have been paid were or were not paid, that fact has no relevancy to the matter which the committee was appointed to investigate. If any money was disbursed by Wilson, it is evident that it was from a fund which was neither raised nor expended to promote the election of Mr. Lorimer as a Senator nor to reward those who voted for him for that office. It was therefore no part of the duty of the subcommittee to inquire into either the origin of the fund or the purpose for which it was used. That matter was and is one for the proper officials of the State of Illinois to take cognizance of and one with which the Senate of the United States has no concern.

The committee submit to the Senate the testimony taken in the investigation, with their report that, in their opinion, the title of Mr. Lorimer to a seat in the Senate has not been shown to be invalid by the use or employment of corrupt methods or practices, and request that they be discharged from further consideration of Senate resolution No. 264.

J. C. Burrows.
Chauncey M. Depew.
W. P. Dillingham.
Robert J. Gamble.
W. B. Heyburn.
Morgan G. Bulkeley.
Joseph W. Bailey.
Thomas H. Paynter.
Joseph F. Johnston.
Duncan U. Fletcher.

The undersigned, while fully concurring in the foregoing report of the Committee on Privileges and Elections, desires to state herewith his personal reasons therefor:

There was a vacancy in the Senate from Illinois to be filled by the legislature in the constitutional manner.

The record of the Legislature of Illinois consisted of 202 votes on joint ballot, and at a lawful time, May 26, 1909, the vote for Senator was taken which resulted in 108 votes being cast for Mr. Lorimer, which result was duly certified to the Senate and Mr. Lorimer was seated.

No other person has claimed the right to hold the office or to have been elected thereto.

No claim has been made by or on behalf of the State of Illinois that the election of Mr. Lorimer was not in accordance with law or that any other person is entitled to the office.

On June 7, 1910, more than one year after Mr. Lorimer had been elected and taken his oath of office as a Senator, one Clifford W. Barnes, claiming to act on behalf of "The Legislative Voters' League of Illinois," presented charges in the senate, alleging on information and belief that three members of the legislature who voted for Mr. Lorimer had been bribed to do so by one Lee O'Neil Browne, who was a Democrat and who is shown to have been indicted for such act and acquitted by a jury of the State of Illinois upon the trial under such indictment.

When the committee was organized at Chicago to hear the parties who had made the charges, Clifford W. Barnes was called and appeared before the committee. Upon being inquired of as to whether he was prepared to proceed to sustain the charges which he had made he informed the committee he was not prepared to offer anything in support of such charges and did not desire to appear for that purpose, or any other, before the committee. He, however, requested that the Chicago Tribune, a newspaper published in Chicago, should be permitted, through its representatives, to introduce testimony before the committee respecting the charges and to appear by counsel.

The committee granted this request and a large amount of testimony was introduced, much of which was outside the legitimate scope of the inquiry and some of which consisted of the testimony of members of the legislature establishing the unreliability, and even infamy, of such witnesses. Men swore without any apparent embarrassment that they had sworn falsely on other occasions; had committed perjury; had violated the laws of their State, the laws of morality, and the laws of decency. While it is true the truth may be told by bad men and should not be disregarded altogether because of the moral character of the party testifying, yet in this case the moral obliquity of some of the witnesses called to establish the charges was such as to make it highly improper to accept such testimony as the basis upon which any man's character or right to an office should depend.

It is not claimed nor was any attempt made to show that Mr. Lorimer was in any way connected with the alleged bribery or that he knew of any bribery or corrupt practice in connection with his election.

The committee is not charged with the investigation of the personal character of the members of the Illinois Legislature, nor should it report upon the same.

The right to investigate the character of the legislative body of a State or any member thereof belongs exclusively to the State and the people thereof.

In the Senate every presumption is in favor of the integrity of the State as certified to it by the chief executive of the State, and no presumption can be indulged that the State acted corruptly in the election of a Senator.

When a question as to the right of an incumbent to sit arises in the Senate which is based upon charges made by persons acting in their individual capacity, the burden of sustaining such charges rests on the charging party, and such party should be held to strict proof of the charges made, and such charges may not be made the basis of a dragnet investigation into the personal conduct or morals of the members of the legislature who participated in the election. The State must stand responsible for the character of its officers, and that responsibility is to its own people and not to any branch of the General Government.

The Senate may inquire into the personal fitness of a man elected by a State to sit as a Senator and may determine such question within the exercise of its exclusive powers, but in doing so it may not inquire into the personal character of the officers through whom the State acts. That question belongs to the people of the State exclusively.

The Senate may, however, inquire into the manner of the election of a member of its body to the extent, and for the purpose of ascertaining whether such election was an honest one, representing the will of the members of the legislative body which certifies his election to the Senate, and in doing this we may inquire whether the votes cast by members of the legislature were procured by bribery of such members, by the person for whom they voted or by anyone on behalf of such person with the knowledge or consent of such person, and in

case we should find that such bribery existed we should find that his election was procured in violation of the law, and the person so selected should not be permitted to hold the office of Senator.

In this case Mr. Lorimer is neither charged nor shown to have bribed or corrupted any member of the legislature who voted for him, or to have furnished any money to any person for such purpose, neither has it been shown that he had any knowledge of any bribery or corrupt practice in connection with his election. We do not have to weigh testimony to arrive at this conclusion, for there was no attempt to establish such conduct or knowledge on the part of Senator Lorimer.

That a sufficient number of Democrats had agreed among themselves to join those Republicans who forced Mr. Lorimer's election is clearly shown by the testimony, a majority of the faction of the Democratic party from which such votes came was acting under the leadership of Mr. Lee O'Neill Browne, who was a member of the house.

Much testimony and much scandal has been brought to the attention of the committee in connection with Mr. Browne's methods of dealing with the Democrats who voted for Mr. Lorimer under his leadership. Men have been charged with corrupt practice, bribery, and perjury. The powers of the courts of Illinois have been invoked to punish the men charged with these offenses, and trials have been had, but no one has been convicted. Another election for the election of members of the Illinois Legislature has been held and most of the men charged with crime and corruption have been reelected to office by the people of Illinois. Can it be urged that the Senate, in determining the truth of the charges affecting the election of Mr. Lorimer, should disregard the verdict of the courts and of the people before whom the charges were urged and considered and unseat a member upon testimony held insufficient by the people of the State of Illinois?

W. B. HEYBURN.

S. Rept. 942, 61-3, pt. 1——2

61st Congress
3d Session

SENATE

Report No. 942
Part 2

PROCEEDINGS

BEFORE THE

COMMITTEE ON PRIVILEGES AND ELECTIONS

AND A SUBCOMMITTEE THEREOF

OF THE

UNITED STATES SENATE

IN THE MATTER OF

THE INVESTIGATION OF CERTAIN CHARGES AGAINST WILLIAM LORIMER, A SENATOR FROM THE STATE OF ILLINOIS

PRESENTED BY MR. BURROWS

December 21, 1910.—Ordered to be printed

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PRIVILEGES AND ELECTIONS.

JULIUS C. BURROWS, of Michigan, *Chairman.*	MORGAN G. BULKELEY, of Connecticut.
CHAUNCEY M. DEPEW, of New York.	JOSEPH W. BAILEY, of Texas.
ALBERT J. BEVERIDGE, of Indiana.	JAMES B. FRAZIER, of Tennessee.
WILLIAM P. DILLINGHAM, of Vermont.	THOMAS H. PAYNTER, of Kentucky.
ROBERT J. GAMBLE, of South Dakota.	JOSEPH F. JOHNSTON, of Alabama.
WELDON B. HEYBURN, of Idaho.	DUNCAN U. FLETCHER, of Florida.

GEORGE M. BUCK, *Clerk.*

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pt 2

LETTER AND AFFIDAVIT OF CLIFFORD W. BARNES IN THE MATTER OF WILLIAM LORIMER, A SENATOR FROM THE STATE OF ILLINOIS.

LEGISLATIVE VOTERS' LEAGUE OF THE STATE OF ILLINOIS,
OFFICE OF THE SECRETARY,
Chicago, June 6, 1910.

Hon. SHELBY M. CULLOM,
United States Senate, Washington, D. C.

MY DEAR SENATOR: As president of the Legislative Voters' League of Illinois, I am deeply interested in seeing that a thorough investigation is made of the corrupt methods pursued in the state legislature in the last two years. I feel it my duty to call your attention officially to facts that have been developed in Cook County and in Sangamon County within the last month.

I am inclosing herewith a statement covering these disclosures, which I beg you to present to the United States Senate.

Yours, respectfully,
CLIFFORD W. BARNES, *President.*

STATE OF ILLINOIS,
County of Cook, ss:

Clifford W. Barnes, being first duly sworn, upon oath deposes and says:

That he is and for some time last past has been the president of the Legislative Voters' League of Illinois.

That on, to wit, May 2, 1910, pursuant to an order entered in the criminal court of Cook County, a special grand jury was duly convened to investigate and consider, among other things, certain alleged charges of legislative bribery in the forty-sixth general assembly of the State of Illinois.

That some time prior to said May 2, 1910, Charles A. White, a member of the said forty-sixth general assembly, submitted to said the Chicago Tribune a confession in which there was contained and embodied certain facts, acts, and circumstances relating to said legislative bribery as aforesaid.

That said confession of said White was in substance printed, published, and circulated in said the Chicago Tribune on April 30, 1910, and a full, correct, true, and accurate copy of such publication, and, in substance, a true and correct copy of said confession so submitted to said the Chicago Tribune, and so published in the public prints of Chicago and throughout the United States, is hereto attached and by express reference thereto made a part of this affiant's said affidavit as Exhibit A.

That said special grand jury, immediately after its convening on May 2, 1910, heard the testimony of said White, which testimony was, as this affiant is informed and believes and therefore states the fact to be, in substance as printed in the public prints of Chicago and throughout the United States and as contained in said Exhibit A hereto attached.

That said special grand jury also heard and considered the testimony of H. J. C. Beckemeyer and Michael S. Link, also members of said forty-sixth general assembly, with reference to said legislative bribery as aforesaid, and that the testimony of said Beckemeyer, Link, and White before said special grand jury was, in effect, that each had received certain moneys, to wit, $1,000 for casting his vote as a member of the house of representatives of Illinois, sitting in joint session on May 26, 1909, for William Lorimer for United States Senator from the State of Illinois, and that the testimony so given, as aforesaid, before said special grand jury was published in the public prints of the city of Chicago and throughout the United States.

That, based upon said testimony, among other things, said special grand jury did on, to wit, the 6th day of May, 1910, return an indictment against one Lee O'Neil Browne, then and there the minority leader of the house of said forty-sixth general assembly, a true and correct copy of which said indictment is hereto attached and made a part hereof as Exhibit B.

That the above and foregoing statement is made by this affiant after full investigation and upon the best of this affiant's knowledge, information, and belief.

And further affiant saith not.

CLIFFORD W. BARNES.

Subscribed and sworn to before me, a notary public, on this 6th day of June, A. D. 1910.

[SEAL.]

ALFRED C. GOLDSMITH,
Notary Public, Cook County, Ill.

EXHIBIT A.

On the night of Monday, May 24, 1909, in company with two of my friends from O'Fallon, the town in which I reside, I retired to my room, No. 133, in that historic old hotel, the St. Nicholas, in Springfield. We sat about in the room and conversed about various questions, having an occasional drink served us.

At this time I had been in rather hard circumstances financially, and had been short of funds for several weeks, having spent all of the salary paid me by the State of Illinois—$2,000. I borrowed money from one of my friends, enough to run me a few days.

A few days previous to this I had related my embarrassing circumstances to Lee O'Neil Browne, of Ottawa, Democratic leader of the Illinois house of representatives, and he promised me that if "things" worked out "all right" he thought I would be able to make a little "side" money out of the session.

My room contained two beds, and I invited my friends to occupy one of them for the night, which they decided to do. On account of the late hour I requested them to not trouble themselves about registering. My friends disrobed and got in bed.

Shortly after they had been in bed my phone rang. I answered and found that Browne was the caller. He told me he would be up to my room in a few minutes. I replied, "All right; I will look for you."

Shortly afterwards Browne came up, and walking into my room he smiled and spoke to my friends, whom he had previously met.

After passing a joking remark about three sleeping in the one room, Browne requested me to go to his room with him, saying he would like to have a talk with me.

Browne was located in room No. 101, on the same floor that I was located on. When we entered his room he closed the door, and I noticed that the transom, doors, and windows were closed. In a low voice Browne asked me this question first, "Can you vote for a Republican?" I replied, "Yes; I can vote for anything." Browne asked this question next, "Can you vote for Lorimer for Senator?" I replied, "Yes."

Browne cautioned me to keep the matter strictly under my "hat," requesting me to not tell anyone or talk to anyone about it, saying:

"I am damn suspicious of that place above here they call Joliet," meaning or referring to the northern Illinois state penitentiary, located at Joliet.

I reassured Browne that I would be very cautious about the matter, and told him to have no fear from me. Browne answered me by saying, "Charley, old boy, I can depend on you, can I?" I replied by saying, "Lee, I never go back on my word."

He told me he would mark me down on his list, and taking a book from his pocket containing the names of the members of the legislature, he checked my name off on the list and said he would depend on me.

Nothing was said by either Browne or myself as to the amount of money each member was to receive for voting for William Lorimer for United States Senator, except this remark Browne ventured, "It wouldn't be any chicken feed."

Our conference closed that night without any understanding as to what was to receive in money. I went back to my room and made this remark to my friends, who were awake in bed: "Would you vote for Lorimer for Senator for $2,000 if you were me?"

Neither of my friends would answer my question for several minutes, and nally one of them ventured this remark:

"The people in your district will know something was wrong and be down n.you." He continued his remarks by saying: "I don't believe I would."

We talked the matter over freely for some time, and after thinking the matter ver I told my friends I was going to vote for Lorimer.

We ordered more drinks, which were served in our room, and talked for some ime, and I walked out into the hall. I met one of the Democratic representa- ives in the hall and talked with him several minutes about the Tippit faction, hich had deserted Browne as the minority leader.

After talking for quite a while about the Tippit faction the representative I as talking with asked me what I thought of the Lorimer deal. I avoided alking with him about the matter by answering his question that I had heard othing about it.

I was afraid to discuss the question with him, fearing Browne might hear of ur conversation, and I did not want Browne to lose confidence in me.

While we were talking Browne came through the hall. He came up to us ith a worried and tired expression on his face and requested us in a low voice o go to bed. It was after midnight then. Shortly after Browne left we com- lied with his request and I went to my room. I talked with my friends a hort time and retired for the night.

Next morning, after having breakfast, we lounged about the lobby of the otel for some time and then walked over to the state house.

When the time arrived for balloting on the senatorial question my friends etired from the floor of the house and occupied seats in the gallery; their seats ere so located that they could look me square in the face as well as the entire ssembly.

The galleries were crowded to their capacity from the appearance as viewed rom the floor of the house.

The senate marched into the house chamber and occupied seats that had been ssigned them early in the sessions, which were the two front rows of seats. he clerks of the house and senate called the roll of the joint assembly on the inety-fourth ballot, but no choice was shown as a result of the vote.

There was only one ballot taken, and the joint assembly on the senatorial uestion adjourned for the day. The house proceeded with its legislative work hortly after the senate had retired.

After the adjournment of the house, I decided I would have another talk ith Browne after reaching the hotel and have a thorough understanding as o how much I was to receive for voting for Lorimer for Senator.

Before going to Browne direct I met Giblin, Browne's stenographer, and old him I did not know what was in the deal and wanted to know more about t. Giblin told me to see Browne and have a talk with him, saying: "It looks retty good."

Giblin went to Browne, who was standing in the lobby of the hotel, and said omething to Browne, which, I presume, was what I had said to him, for rowne came direct to me and requested me to go to his room, saying he wanted o see me.

I waited for a few minutes after Browne went up to his room and took the levator. I knocked on his door, and he opened the door. After walking in nd seating myself, he said: "Charley, what seems to be troubling you?" I eplied: "Lee, I would like to know how much I am going to get for voting or Lorimer."

He replied: "You are not afraid to trust that to me, are you, old boy?" I eplied: "No; but I would like to know."

Browne replied: "You will get $1,000, and it is ready cash, too," saying, you won't have to wait for it." I replied: "Well, that is what I want, for I eed it."

Browne replied: "Now, don't let anything worry you; just keep quiet." I eplied: "All right, Lee; how much will we get besides this from the other ources?"

Browne replied: "The jack pot won't be distributed for about three months fter adjournment," saying, "They have to wait that long because they are vatched so close, but there will be almost a thousand more for you then."

He continued by saying: "Now, you just keep quiet and stick. Don't get weak and don't listen to any of their talk, for I have got enough names marked lown now to put the deal over, and will have seven or eight to throw in for good measure."

I asked him how many of our men (Browne's men) he had, and he replied by saying: "A good many."

I mentioned several names and asked if they were in on the deal, and Browne answered "yes" to some and "no" to others.

I told Browne I had heard that Senator Hopkins was offering more for votes than Lorimer—which was a story I conceived to see what Browne would say, for I had heard nothing of the kind.

Browne replied by saying, "Hopkins is so cheap he wouldn't open up in a thousand years," saying, "Now, don't listen to any such talk; I have done the best I could and am doing the best I can."

Browne implored me not to talk to anyone about the matter, repeating again that "I am awfully damned suspicious of that place above here they call Joliet" (meaning the Northern Illinois State Penitentiary).

I assured him again that I would keep quiet and left his room.

After going down to the lobby of the hotel one of my friends and myself went in the buffet of the hotel to have a drink. We stepped up to the bar and ordered. One of the Democratic representatives, a Browne Democrat, was standing near me. He looked around and said: "Hello, 'Whitie,' how are you?"

I replied, "All right," and invited him to join us in a drink. He was laughing and seemed unusually cheerful about something. He joined us by ordering a drink and, looking at me, with a loud laugh said: "Have you been up to the trough yet?" I inquired, "What trough?" and he said, "Why, haven't you been up to the trough yet?" I replied, "No." He remarked, "By God, I've already been up to the trough and got mine."

I changed the subject as quick as possible and after having another drink, exchanging a few remarks of no consequence, we left the buffet.

My friend and I lounged about, possibly playing a game or so of pool, the remainder of the afternoon. We sat up until late that night.

Next morning we reached the statehouse before 10 o'clock. I talked with my friends, who were seated on the inside of the brass railing, at intervals, until the time arrived for the joint session of the house and senate to meet on the senatorial question.

This was on Wednesday, May 26, 1909. The senate marched in the house and occupied the seats they had occupied on all previous joint sessions.

Browne came over to me and said: "This comes off on the first ballot; now don't forget."

I replied, "All right, Lee."

He leaned over the desk at the rear of my seat and told some of the members at the rear of my seat the same he had told me. I was feeling rather shaky and nervous. I came near telling Browne I would not vote for Lorimer, but knew it would result best.

I knew that if I should fail to go into and be a party to the deal I would not be in a position to speak as I would like to speak in the future days, after the corrupt session closed. I knew I would have to be a party to the deals in order to tell the truth about the whole affair, and I realized that to say merely I had heard such to be so would not be the kind of evidence the public demands.

I let myself be bribed and committed perjury for the sole purpose of obtaining facts which could not be denied.

It may sound all right to hear some one say they heard the members were bribed with large sums of money to vote for Lorimer, but knowing such to be true is what is desirable.

The speaker of the house of representatives, Edward D. Shurtleff, as presiding officer of the joint assembly, thereupon directed the secretary of the senate to call the roll of the senate to see who was present.

The clerk of the house was directed to call the roll of the house to see who was present.

After the roll call the speaker announced the purpose of receiving the vote of each member for choosing a Senator in the Congress of the United States from March 4, A. D. 1909, for a term of six years. The joint assembly was in a calm yet noticeably pitched feeling.

The galleries were crowded to their utmost capacity with both men and women. Politicians from various parts of the State, as well as public officials of national reputation, mingled with the throng that packed the galleries.

I noticed many politicians from the forty-ninth district, from which I was elected, seated above me on all sides in the galleries.

As the vote proceeded members would rise to explain their vote, some making feeble attempts in explaining why they were changing to Lorimer, others de

nouncing in bitter language the action of members, especially of the Democratic nembers, in entering such a dastardly deal or combination to elect a Republican against the will of the majority of the Republicans of the State as expressed at he primary election in August, 1908, at which Senator Hopkins was renominated by a large majority of the Republican vote of the State to succeed himself.

As the explanation of votes proceeded excitement would ebb and flow. Senator Isley (Democrat) made a bitter attack upon the action of the Democratic nembers for being a party to such a loathsome, cowardly deal. He almost charged open bribery in the course of his able and eloquent remarks in condemnation of the action of the Democrats. After the vote of the senate had been taken the results, as announced, were as follows: Those voting for Albert J. Hopkins (Republican) were: Andrus, Bailey, Baker, Barr, Brown, Dailey, Dellenback, Dunlap, Funk, Gardner, Hall, Hamilton, Hay, Helm, Humphrey, Hurburgh, Jones, Landee, Lish, Lundberg, McKenzie, Olson, Pemberton, Stewart—24.

Those voting for Lorimer, Republican, were:

Messrs. Ball, Billings, Brandt, [a] Broderick, Clark, Cruikshank, Curtis, Downing, Ettelson, [a] Gorman, [a] Hearn, Henson, [a] Holstlaw, [a] Jandus, Juul, McCormick, McElvain, Potter, [a] Rainey—19.

Those with the "[a]" placed before their names are Democratic senators who voted for Lorimer, the Republican who cheated Senator Hopkins out of his reelection, which he, Hopkins, was entitled to, according to the verdict of the people of Illinois at the primary election.

Those voting for Lawrence B. Stringer, Democrat, choice of the Democrats of Illinois at the primary election, were:

Messrs. Burton, Gibson, Glackin, Isley, Manny, Tossey, Womack—7.

The roll of the house was called amidst intense excitement, which was created by members explaining their votes.

Before the clerk of the house began calling the roll Minority Leader Lee O'Neil Browne arose from his seat and addressed the assembly. Browne made a very poor and feeble attempt in explaining his vote. He declared all of the Democrats released from further obligation to vote for the Democratic candidate and said he thought it only a fruitless waste of effort to continue voting for a Democrat.

Browne concluded his remarks by recording his vote for Lorimer.

As the roll proceeded there was excitement which verged on the brink of a riot from all sections of the house as the members would explain their votes.

Representative George English, Democrat, made a bitter attack on such procedure, and almost openly charged bribery. He called such action a disgrace to the State of Illinois.

English made such a bitter and fearless attack that when he finished and took his seat Browne "took the floor" again, and, pointing his finger at English, made the remark that if English would step outside the statehouse with him and repeat the remarks either English or himself would never be able to utter such remarks again.

English rose to his feet and made an effort to get recognition from the speaker to reply to Browne, but the speaker would not recognize him. After the roll call of the house was completed the results were announced as follows:

Those voting for Albert J. Hopkins, Republican, were:

Abby, Adkins, Bardill, Brady, Campbell, Carter, Cliff, Erby, Flagg, Fulton, Grace, Gray, Hagan, Hamilton, Holaday, Hollenbeck, Hope, Hull, Hutzler, Ireland, Jewell, Keck, Kerrick, King, Kirkpatrick, Lewis, Liggett, Lyon, Mills, Montelius, Nelson, Perkins, Pervier, Reynolds, Richter, Rigney, Robinson, Scanlan, F. W. Shepherd, Stevenson, Terrill, Ton, Welborn, G. H. Wilson, H. W. Wilson, Wright—46.

Those voting for William Lorimer, Republican, were:

[a]Abrahams, [a]Allison, [a]Alschuler, Ap Madoc, [a] Beckemeyer, Behrens, Block, [a] Blair, Brownback, [a] Browne, Burgett, [a] Burns, Bush, Butts, [a] Cermak, Chiperfield, Church, [a] Clark, [a] Corcoran, Crawford, Curran, [a] De Wolf, [a] Dillon, Dudgeon, Durfee, Erickson, [a] Espy, [a] Fahy, Fieldstack, Flannigen, [a] Forst, [a] Foster, [a] Galligan, [a]Geshkewich, Gillespie, Glade, [a] Griffin, [a] Hilton, [a] Hruby, [a] Kannally, Kittleman, Kleeman, Kowalski, Lane, [a] Lantz, Laurence, Lederer, [a] Link, Logan, [a] Luke, MacLean, [a] McCollum, [a] McGunnell, [a] McGuire, [a] McLaughlin, McMackin, McNichols, [a] Morris, [a] E. J. Murphy, [a] Murray, [a] O'Brien, [a] O'Neil, Parker, Pierson, [a] Poulton, [a] Price, [a] Riley, Schumacher, Shanahan, [a] H. A. Shephard, Smejkal, Soilitt, [a] Staymates, Stearns, [a] Sullivan, [a] Tippitt, Troyer, [a] Walsh, [a] Werdell, [a] Wheelan, [a] White, [a] F. J. Wilson, [a] R. E. Wilson, York, Zinger, Zipf, Shurtleff, speaker—87.

Those with the "a" placed before their names are Democratic representatives who voted for Lorimer, the Republican.

Those voting for Lawrence B. Stringer, Democrat, the choice of the Democrats at the primary election, were:

Bolin, Briscoe, Daley, Donahue, English, Etherton, Finley, J. Groves, W. M. Groves, Huston, William Murphy, Myers, Naylor, O'Toole, Richardson, Scott, Shaw—17.

After the vote was completed a great many of the members began a demonstration of noise making by pounding on their desks with books, with their fists, and shouting as loud as possible, acting as though they were wild with satisfaction as to the results. I pounded my desk with a large book for a few seconds.

I presume the Democrats who had voted for William Lorimer concluded it was a part of the bargain to make a noisy demonstration.

Possibly some of them felt like doing so, for by casting their vote for Lorimer they were at least $1,000 better off financially, judging from the amount that was promised me, which I afterwards received. Possibly I could have got more than offered me had I demanded more, but I did not request a larger sum when the deal was considered.

When the clerk, during the roll of the house, called my name, "White," to which I answered "Lorimer," I felt for a minute or so as though I had committed some ineffable crime; my two friends sitting in the gallery where they could look me in the face, I knew that I was selling my honor and manhood for financial gain. They knew I was to receive money for my vote, because I had taken them into my confidence and told them the secret of the whole affair.

The speaker rapped his gavel for order and announced the vote as follows, as the result of the ninety-fifth ballot: Number of votes cast, 200; for Albert J. Hopkins, 70; for William Lorimer, 106; for L. B. Stringer, 24.

The speaker as presiding officer of the joint assembly then announced that William Lorimer was duly elected. Mr. Lorimer delivered an address to the joint assembly, but not an impressive talk by any means. Mr. Hopkins later made a beautiful and impressive talk, saying he felt that the honorable fight that had been conducted by his loyal friends called upon him to express his gratitude.

The American believes in a fair decision, whether in a game of sport or in politics. I believe in a fair decision in sport and business as well as politics. The man that wins on the square deserves the verdict in his favor.

The Lorimer decision was a corrupt, unjust decision. Lormer fouled his opponent. He took advantage of his money strength, his financial backing, to have a decision rendered in his favor.

Who backed Lorimer?

Who put up the money?

Was it a Chicago money king or a number of Chicago money kings that put up the money to secure Lorimer's election for protection and a pull in Washington?

Surely Lorimer did not spend the money it required to secure his election out of his own pocket. He has represented the Sixth Congressional District, located in Chicago, known politically as the Armour district, in Congress for a number of years.

Lorimer was elected by the required number of votes, however, and under the law is a United States Senator from Illinois. Is Lorimer the only Senator in the Congress of the United States that secured his election by such methods? Let us hope so.

With the adjournment of the joint assembly session on the senatorial question went down in the pages of history one of the most disgraceful elections of a United States Senator in the history of the nation. Honest men were induced to commit perjury; honest men committed their first crime; honest men were made thieves through the luring temptations of the thousand dollars paid the ordinary Democrat for his vote.

The house of representatives proceeded with its business as though nothing of importance had taken place. Bills were discussed and action taken deciding their destiny.

Good bills met their doom, as did Senator Hopkins.

Bad bills were rushed through, as was William Lorimer.

At the close of the week's session, dreading the criticism that awaited me in my district for my actions, I decided to go to Chicago.

At the close of the session of the following week I remained in Springfield ntil late Saturday afternoon. I went to Browne and asked him if he could :commodate me with a little money. Browne said "Yes."

We stepped into the toilet room, and he gave me a bill, saying, "There is .00; it will help you a few days."

After leaving Browne I went to my room and, looking at the $100 bill, be-me suspicious of it. There were several blue-pencil marks on the bill, and thought possibly it might have been marked. I went to Browne again and ;ked him if the bill was all right, telling him I felt a little funny about it.

He said yes, it was all right, and told me to hand it to him, which I did. I umpled the bill up in my hand and slipped it to Browne, so that no one would)tice me.

Browne took the bill and had the cashier of the hotel (St. Nicholas) change into twenties and tens.

We walked down Jefferson street and over to the office of the Illinois Traction)mpany. On my way over to the traction company Browne slipped the money my hand, and I immediately put it in my pocket without counting it.

After we returned to the hotel I counted the money and found that there was :00 in $20 and $10 bills.

Before leaving Springfield I told Browne I would like to get the remainder the thousand dollars as soon as possible, telling him I owed some debts and as in need of the money bad.

Browne told me he would be able to give it to me in a few days and requested e to inform him if I would be in Chicago in the near future. The legislature d adjourned sine die, and a few days after reaching O'Fallon I wrote Browne letter, telling him I would be in Chicago in a few days and requesting him let me know if I could see him there.

Browne informed me that he would see me at the Briggs House. This was June, and I informed one of my friends that I was going to Chicago to get e remainder of the Lorimer money. This was the friend I had with me dur-g the session of the legislature.

I reached Chicago and went direct to the Briggs House. After registering I :ated Browne, who was seated at one of the writing desks provided for ests in the lobby of the hotel. I stepped up beside him and greeted him by ying: "Hello, Lee, how are you?"

Browne continued to write without looking up or apparently without recog-zing me. I felt the chilly reception and began to realize that my presence as not so welcome as it had been while in Springfield. I knew Browne knew at it was me addressing him with the friendly greeting, but his work had en accomplished to his own satisfaction and gain, and I began to get my es opened to the fact that the "friendly interest" he had been so keen to monstrate in my behalf while in Springfield was merely profitable diplomacy was pursuing.

Browne continued to write for several minutes, and, looking up with a cool, m, expressionless greeting, said: "How are you? I'll see you in a few nutes." I replied, "All right," and walked away.

When he finished his writing, he walked about the lobby of the hotel a few nutes and came over to me. He invited me to the buffet with him to have a ink. We had a few drinks, and Browne requested me to go to his room with n. We sat in his room and talked over political questions briefly, discussed rious amusements for several minutes, and Browne suggested we attend one the theaters, but after studying a little said that he would have to be up early d see some parties and decided to stay in the hotel for the night. I told him t I thought I would go to some show, and he inquired of me if I had any ney. I told him that I had about $3 and thought it would be enough.

Browne took a roll of bills out of his pocket and counted out $50 in $10 and) bills and handed me the $50, saying:

'Now, don't go out and 'blow' all of that in to-night."

Browne continued by saying that he would not give me any more money until vas ready to leave Chicago, saying I would spend it before leaving the city. old him I was going to leave the next morning, and he replied:

'You come to my room in the morning by 9 o'clock and I will give you the ance of the Lorimer money coming to you," saying, "Now, that makes $150 ave given you, don't it?"

replied "Yes."

After talking about questions of a political nature for a few minutes I left room and went to a show. The next morning I went to his room and found

him waiting for me. Browne had a belt, made of a heavy, light-blue cloth about 10 inches wide, fastened about his body with a number of safety pins.

The belt bulged out as if it contained something, and I presume it was money for I remarked to Browne, saying:

"Lee, you ought to be careful, going around with all of that money on you Some one is liable to rob you."

He replied in these remarks:

"I was standing on the street talking with a friend yesterday and had it in a big book in my hip pocket, and a fellow rubbed up against me and looked around as though he didn't like it. But I guess if he had known there was over $30,000 in that book he might not have been so apt to look sore about it."

I spoke to him again about being careful, and he picked up his revolver laying on the table and said he had a trusty friend with him everywhere he went.

We discussed freely the actions of members on various legislative propositions and talk about the senatorial deal.

Browne talked considerable about other deals and said the governor had vetoed one bill already that there was $35,000 "put up" to secure its passage. He said if the governor had not vetoed the bill it would have helped the "jack pot" out considerable.

The words "jack pot" are the words which are used by the members in speaking of other money "put up" or paid by people or corporations to secure the passage of legislation to their interest or to defeat legislation detrimental to their interests. Such money is collected by the leaders or members designated to make the deals by the leaders of the house of representatives and is held by the house or senate organization until after the adjournment of the legislature.

It is then divided by the leaders, and the amount to be given the members who support the organization is decided upon and turned over to the respective leaders for distribution to their supporters.

Browne talked about a few other matters that were of no consequence, and reaching in his pocket took a large roll of bills—currency—out and counted seventeen $50 bills out on the table. He handed me the money with these remarks: "There is $850, and with the $150 I have already given you that makes the $1,000; all of your Lorimer money." Continuing, he said: "About the 15th of July I will be able to give you about that much more, or possibly a little more than that, and it will put you on 'easy street' for awhile."

I took the $850 and put it in an envelope and placed it in my inside coat pocket. Browne noticed me do this and told me I would lose it there. He picked up a safety pin from the table and came over to me and pinned the envelope to my coat pocket. I thanked him, and he continued talking by saying:

"Now, don't go home and pass those $50 bills over the saloon counters or around any place where people will become suspicious of you."

I promised him I would be careful, but with all due respect to the advice and caution Browne gave me I showed the money to my friend and others and made no secret of having the money. There were some people who had their suspicions of me accepting bribe money and made remarks about the $50 bills. My friend had some of them changed and told me one man asked him if there was not a lot of bribery going on among the members.

Browne at that time continued talking and said: "You see, I ought to get more out of it than the balance of you, because I run an awful chance, but can't tell some of these fellows that."

He went on by saying: "I am going to handle the money for our fellows myself," saying that certain Chicago members wanted him to turn over to them the money that was to be given the Chicago members, and that they would give it to them, but Browne said he told them he wouldn't do it. He also said to me: "I will be in St. Louis in a few days and have our fellows in southern Illinois to meet me there and give them their Lorimer money."

I requested him to let me know when he would reach St. Louis and I would come over and meet him and the other members, but he did not let me know when he was in St. Louis.

I left Chicago, and upon reaching home I set about paying off several hundred dollars of debts standing against me. After getting my financial affairs straightened out, I left in company with one of my friends for a visit to the eastern part of Tennessee. Before leaving for the mountain country we prepared ourselves for an enjoyable visit. Our expenses were considerable on this pleasure visit

ınd we soon found that we had spent about all of the money we had. We came ›ack to Illinois and anxiously waited for some news about the other money, the ' jack-pot " money.

After waiting a few days I received the following telegram from Chicago:

CHICAGO, *July 14, 1909.*

Hon. CHAS. A. WHITE, *O'Fallon, Ill.:*

Meet me to-morrow forenoon without fail at Southern Hotel, St. Louis. Wire ne answer at once, care Briggs House, Chicago.

ROBERT E. WILSON.

I answered the telegram, stating I would meet him as requested. When I ead the telegram I was under the impression that Browne would be in St. Louis, ut when I reached the Southern Hotel the next morning, July 15, 1909, I found Vilson was the correct man.

On my way down Broadway, in St. Louis, I met Representative Beckemeyer, ne of the Browne Democrats, standing on Broadway, near Olive street, looking t the workmen as they were performing hazardous work on the construction of he new Wells Building. I spoke to Beckemeyer, and asked him what he was oing in St. Louis. He told me that he was over there on a little business.

I went on down to the Southern Hotel, and, upon entering the lobby of the otel, I found Representative Charles S. Luke, Democrat; Representative Joseph . Clark, Democrat; and Representative Harry A. Shepherd, Democrat, seated ear the entrance. I walked up to them and shook hands with all of them. 'hey told me that Representative Robert E. Wilson had stepped out with Repre- entative Michael S. Link, Democrat, and would be back in a few minutes.

We talked about questions of little importance until Wilson and Link arrived. 'hey came in and boarded the elevator and went up to Wilson's room. Shepherd nd Clark went up also, shortly after Wilson and Link went up, and left Luke nd myself sitting in the lobby of the hotel.

Luke was angry and stated that we were getting a dirty deal. Luke said he ould have gotten $1,500 at the beginning of the session and was sorry he did not ake it. He said: " They are only giving me $900 now, and it ain't right, for I ught to have more."

He appeared to be very angry toward Browne and called Browne names. I alked with Luke about the Lorimer deal and tried to lead Luke to believe that I id not get anything for voting for Lorimer. Luke answered me by saying: Yes, you did; you got $1,000, just what we all got, except the leaders, and it's › be expected they get more than we do." I asked him how he knew I did, and e replied: " Well, I saw it counted out to be given to you." I asked him if he ›t his, and he said: " Yes; I made my deal with Lorimer direct." Luke con- nued talking by saying we fellows down the State were getting a rotten deal on ıe " divvy " out of the " jack-pot " end of it, saying: " I am going to write rowne a letter and give him hell."

We did not talk very much longer and went upstairs to Wilson's room. We ent in the room, and I shook hands with Wilson and Link. We sat around nd talked about unimportant questions, having an occasional drink and cigars erved us.

Wilson called Shepherd in the bathroom, and I could hear them talking real ›w, but couldn't understand what they were saying. They weren't in the ›om very long, and when they came out Wilson called me in the bathroom. I ent in, and Wilson counted nine $100 bills into my hand, saying: " That is all : it, and I am glad to be relieved of the burden."

Wilson continued talking and told me Browne was sick and had requested im to come to St. Louis for him in order not to disappoint us fellows.

I took the $900 and put it in my purse and told Wilson I was satisfied. 'ilson told me that the governor had vetoed some of the bills; that there was ›nsiderable money " put up " to secure their passage, saying: " If he hadn't ›ne so, it would help out considerable."

Wilson said they didn't get as much as they expected to get, but that Browne ould explain matters more clearly the next time he saw me. Wilson and I ent back into the room where the other members were, and we all sat around nd talked for a short while. Wilson was informed he could get a train at 2.02 on the Chicago and Alton road for Chicago, and began to make prepara- on to get the train for Chicago.

While Wilson was getting ready Link came over to me and said: " Charley, e fellows down the State get the dirty end of it, don't we? "

I replied in a low voice, "Yes." Wilson got ready and we went downstairs. Shepherd, Link, and Clark bid Wilson good-by and went away.

Wilson, Luke, and myself talked for several minutes. Luke told Wilson in my presence in the door of the hotel that he was going to write Browne and wanted him (Wilson) as a favor to tell Browne for him he was not satisfied, and that he thought he had got a "dirty deal." Wilson told Luke he would tell Browne for him.

I went to the Union Station with Wilson and bid him good-by. He had but a few minutes to board his train, the 12.02 Chicago and Alton train, and I did not have an opportunity to talk with him.

On my way back to East St. Louis I stopped at the Third National Bank and had three of the $100 bills changed into smaller money.

When I reached my office in East St. Louis I told my friend, whom I had with me during the session of the legislature, and who knew I was to receive the $1,000 for voting for Lorimer, as well as the $900, or whatever the amount was to be, out of the "jack pot," that I had got all of it. He had seen the telegram the day before and knew what it meant.

I showed him the money. Six $100 bills and $300 in smaller bills. He laughed and remarked that it was a pretty fair position, or office, to be a representative when it came to a question of money.

I paid off all of the other debts that had accumulated and went to Chicago for several days of additional vacation.

Exhibit B.

[Exhibit B consists of a copy of an indictment found by the grand jury of Cook County, Ill., against Lee O'Neil Browne, containing thirteen counts, each count charging said Lee O'Neil Browne with bribing Charles A. White to vote for William Lorimer for the office of Senator of the United States for the State of Illinois.]

INVESTIGATION OF CERTAIN CHARGES AGAINST WILLIAM LORIMER, A SENATOR FROM THE STATE OF ILLINOIS.

THURSDAY, SEPTEMBER 22, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

The first public hearing in the above-entitled matter was held at the Congress Hotel, Chicago, Ill., on Thursday morning, September 22, 1910, the following members of the subcommittee being present: Hon. J. C. Burrows, chairman; Hon. Robert J. Gamble, South Dakota; Hon. Weldon B. Heyburn, Idaho; Hon. Thomas H. Paynter, Kentucky; Hon. Joseph F. Johnston, Alabama.

Senator William Lorimer, with his counsel, Hon. Elbridge Hanecy, Mr. Clifford W. Barnes, representing the Legislative Voters' League of the State of Illinois, together with representatives of the Chicago Daily Tribune.

Senator BURROWS. The committee will be in order, and the chair desires to make the following preliminary statement:

On June 20, 1910, the Senate of the United States passed the following resolution:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against William Lorimer, a Senator from the State of Illinois, and to report to the Senate whether in the election of said William Lorimer as a Senator of the United States from said State of Illinois, there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation, to employ a stenographer, to send for persons and papers, and to administer oaths, and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

In obedience to this resolution the Committee on Privileges and Elections designated a subcommittee of seven members, a quorum of which subcommittee is now present, consisting of Senators J. C. Burrows, of Michigan, chairman; Robert J. Gamble, of South Dakota; Weldon B. Heyburn, of Idaho; Thomas H. Paynter, of Kentucky; and Joseph F. Johnston, of Alabama; and propose to proceed to the execution of the order of the Senate.

Among the papers presented to the Senate is a communication from Clifford W. Barnes, president of the Legislative Voters' League of the State of Illinois, consisting of the affidavit of said Clifford W. Barnes and certain exhibits thereto attached, which papers charge Senator Lorimer with bribery and corrupt practices in securing his election to the Senate of the United States.

The committee is ready now to proceed with the execution of the order of the Senate.

The committee understands that Mr. Barnes, the president of the Legislative Voters' League, and Senator Lorimer are both present, and the committee will be pleased to hear any suggestions they may have to make in furtherance of the inquiry.

Mr. BARNES. Mr. Chairman and gentlemen, my first suggestion is in the way of a petition, which, with the consent of the committee, I would like to read.

Senator BURROWS. Certainly.

Mr. BARNES (reading):

Hon. JULIUS C. BURROWS,
United States Senator,
Chairman Subcommittee on Privileges and Elections.

SIR: The undersigned on June 7, 1910, presented to the honorable Senate of the United States a communication (which is to be found on page 7811 of volume 45, page 2, of the Congressional Record of the Sixty-first Congress), which communication contained the charges made in the Chicago Tribune of bribery and the use of corrupt methods and practices in the election by the forty-sixth Illinois general assembly of William Lorimer to the United States Senate.

On June 20, 1910, the United States Senate passed a resolution authorizing and directing the Committee on Privileges and Elections or any subcommittee thereof to investigate "certain charges" against William Lorimer, a Senator, and to report whether or not in the election of said Lorimer as such Senator there were "used or employed corrupt methods or practices."

The "certain charges" referred to in the resolution of June 20, 1910, were either those embodied in the communication of the undersigned (as those were the only charges ever filed or presented against Mr. Lorimer to the United States Senate) or refer to the charges of conspiracy, etc., made by Mr. Lorimer against the Chicago Tribune in his speech to the United States Senate on May 28, 1910.

I have seen the communication addressed to you by the Chicago Tribune under date of September 19, 1910, in which communication the Chicago Tribune asked permission "to present evidence to your body to sustain such charges," referring to the charges which you are called upon to investigate under the Senate resolution of June 20, 1910.

The statements contained in my communication to the Senate, presented to that body on June 7, 1910, were based largely upon evidence disclosed to me by the Chicago Tribune. It has the documentary and oral evidence, names of witnesses, etc., which, if they are permitted to fully present to the honorable subcommittee of which you are chairman, will support the charges referred to.

The Chicago Tribune has spent much time and energy in the collection of this evidence, and inasmuch as they have requested the opportunity to be present and present such evidence through their counsel, and inasmuch as the undersigned is fully convinced that it is the desire of your subcommittee to ascertain the truth of these charges and to procure all evidence tending to prove or disprove such charges from whatever source it is obtainable, I join in the Chicago Tribune's request of September 19. 1910, that they be permitted "to present evidence to your body to sustain such charges and to be represented by counsel on the hearings of the matters to be heard and investigated by your honorable subcommittee."

Respectfully, CLIFFORD W. BARNES.

Senator BURROWS. Have you any further request to make?

Mr. BARNES. Yes; it seems to me, Mr. Chairman, if I may add just a word, that the time and effort which the Tribune has put into this investigation clearly places them in the front rank as a party qualified to give testimony. It is quite without the province of the Legislative Voters' League to employ lawyers in this matter, nor have we the evidence at hand which would make it possible for us to submit to your honorable body such testimony as would give you the proper data on which you should act. I feel confident that the Tribune can do this. I feel confident, too, that whatever prejudice may have

isted in the past between the Tribune and Senator Lorimer, there in this case something that the people are deeply interested in, d that the people have confidence in the justice of the campaign ade by the Tribune and the facts which they are qualified to present.

Senator BURROWS. Mr. Barnes, I understand you do not care to pear personally or by attorney?

Mr. BARNES. No, sir; I should prefer not to.

Senator BURROWS. Senator Lorimer, have you any suggestions to bmit to the committee at this time?

Senator LORIMER. Nothing more than to state that my counsel, dge Hanecy, is with me, and if the committee desires to hear him any matter that they have under consideration as representing e, I would be glad to have him state my side of the case.

Senator BURROWS. The committee has not yet determined the estion of counsel. But, speaking outside of the committee for the tne being, I think there will be no objection to hearing Judge lanecy, if he has any suggestions to make on behalf of Senator lorimer. This is permitted for the purposes only of this hearing, thout determining the question of final allowance of counsel.

Judge HANECY. Mr. Chairman and gentlemen of the committee, have no desire to preclude the committee from excluding me or y other counsel for Mr. Lorimer. There is nobody more anxious tan Mr. Lorimer is to have a speedy hearing and determination of estions involved here. That has been his position all the time, and has not changed in that position in any respect.

There are two very serious reasons why this investigation should t proceed at the present time.

The charges made by Mr. Barnes in June were presented to the and jury through the Chicago Tribune and its witnesses. The tate's attorney took them up, investigated the whole matter very toroughly, and presented the charges made by Mr. Barnes and the ribune to the grand jury of this county. An indictment was found the grand jury against Lee O'Neill Browne, the leader of the emocratic party in the legislature. That indictment was found the 7th of May. On the 7th of June Mr. Browne was put upon al without any further time to prepare, over his objection and tat of his counsel, but he was forced to trial and was tried on that idictment. The reason why I think that is quite pertinent here is tat the charges made by Mr. Barnes are the charges set forth in tat indictment and the Congressional Record has a verbatim copy that indictment, which consists of 13 counts. It is to be found in te Congressional Record of June 7. Upon that hearing before the urt and a jury in this county there was a disagreement of the jry. The trial of that case was begun on the 7th of June and was ncluded on the 29th or 30th of June. Mr. Browne was put upon al again upon the same indictment on the 2d of August, and it the first instance probably in the history of this county where an portant trial was begun or conducted during the month of August, r practice here being for the past more than twenty-five years that te courts do not sit for jury cases from the third Monday of July the third Monday of September—never in the criminal court ring August. Mr. Browne was forced to trial and was tried ain, the second trial commencing on August 2, and was finished

and a verdict returned on the 9th of September, a verdict of nc guilty. Upon every count of the indictment before that court an jury and upon every count of the indictment that is incorporated i the charges of Mr. Barnes in these proceedings Mr. Browne wa acquitted. Somebody, through great energy and expenditure c money and other efforts, procured another indictment against M Browne before the Sangamon County grand jury, that being th capital of the State, Springfield. The indictment here contained, think, 13 or 14 counts, covering every phase of the case that eithe the Tribune or its private counsel or the State's attorney could cor ceive of. The indictment in the Sangamon County grand jury wa against Mr. Browne and another member of the legislature, M Wilson, and the charge here was bribery, and that implies cor spiracy, etc. The indictment in Sangamon County was against M Browne and Mr. Wilson, charging a conspiracy to bribe, and th same questions that were involved in the other indictment were als covered; that is, the same general questions, including the electio of a United States Senator, Senator Lorimer. The indictment again Mr. Browne in the Sangamon County court is still pending.

They also procured (and when I say "they" I do not mean th Tribune, but undoubtedly under the statement of Mr. Barnes he it was the moving factor) an indictment against Senator Broderic a Democratic senator from Chicago, charging him with briber and, as I understand it—I was not the counsel and have not bee in either of the cases, either in Springfield or here—the State attorney from Springfield came up here and, I am told, followe closely the indictment already procured there from the grand jury th proceedings here against Browne, that is, in the Broderick case.

That case is still pending, and will be tried some time next mont The specifications on a motion to quash were filed yesterday or th day before, and the State's attorney notified the parties that the ma ter would be set down for hearing on a motion to quash, and th motion to quash and those specifications will be heard next Tuesda and that the trial would follow almost immediately, that is, it wi follow on the 17th of the month, in all probability. There are tw cases down there growing out of this transaction, the one again Lee O'Neil Browne and the one against Senator Broderick. In th Broderick case the attorneys have been notified that the case wi be set down early in October and will be tried at that time and th trial will be pushed right along. The Browne case there will follo that. Browne and Broderick, as you gentlemen can very readily se will be very important witnesses in this proceeding, because it charged that they paid the money to Beckemeyer and Link for votin for Senator Lorimer. Beckemeyer and Link are two members of th house, Democratic members, and friends of Lee O'Neil Browne, th Democratic leader; that is, they were in his party. They testified the trial here fully on every phase of the case and as to their know edge and connection with it, and they testified that he got a thousan dollars, but that it was not to vote for Mr. Lorimer. He said he ha no agreement whatever to vote for Mr. Lorimer; no arrangement vote for him; he said he voted for him for reasons of his own—I mean Mr. Broderick. Link testified that he never got any money vote for Lorimer.

Link was called before the grand jury by the State's attorney and estified and swore before the grand jury that he never received any noney from Lee O'Neil Browne or anybody else for voting for Sen- tor Lorimer for United States Senator. He was then indicted for erjury immediately upon leaving the grand jury room and was put n charge of an officer without any warrant whatever from anybody, nd it has been a matter of controversy since between the foreman of he grand jury and one of the attorneys from the State's attorney's ffice as to which one directed that he be put in the custody of an fficer of the State's attorney's office; but he was put in custody and as taken away in custody and kept there. There is much detail bout that that I am not going to tire you gentlemen with, but he estified he was told by the officer who had him in charge that if he ould go back before the grand jury and swear that he did get a housand dollars for voting for Senator Lorimer that the State's attor- ey would quash the indictment against him for perjury. He testi- ed in open court to all of this, and he testified that he told the State's ttorney that he did not get any money—not only the time before the rand jury, but he told him that also in his private office; but the tate's attorney said to him, "Here is your wife and your home on ne side and there is the penitentiary on the other; you may select hich one you will have. If you will go before the grand jury and estify that you got a thousand dollars to vote for Lorimer, you may go your wife and home and I will quash the indictment. If you don't, will prosecute you and send you to the penitentiary." Mr. Link id, "Well, I will tell a lie if I have to, but I don't want to." And e was then taken before the grand jury and he took back what he had id before and he said he did get $1,000 for voting for Senator orimer—no, he said he got a thousand dollars. He was brought on ne witness stand at the trial of Browne and he told this story. This not a matter of gossip at all, it is a matter of record in the criminal ourt of this county. He told the story there as I have narrated it ere, but more in detail, and he said that he did not get any money r voting for Lorimer; he said that he received $1,000; that Senator orimer; that he was a Democrat and Lorimer was a Republican; at his county—Madison County—one of the largest counties in the tate, in southern Illinois, and one of the counties abutting upon the ississippi River; he said that he had heard Senator Lorimer talk n the deep waterway from the Great Lakes to the Gulf of Mexico. nd that he and his people were for Senator Lorimer, and Senator orimer made that campaign through the State, not as a Republican, ut he addressed Democratic meetings in every county in the State and own through the Mississippi Valley to New Orleans. He said his ople were in favor of that deep waterway, and the question, then, at was before the people and what interested them was whether ey would vote $20,000,000 for the building of a deep waterway from e Lakes to the Gulf, and he said he and his people were in favor of at, and that what he did there for Senator Lorimer he did on that count, and only on that account, and not because he got any money om Broderick, Browne, Lorimer, or anybody else. The State's torney said to him on cross-examination, "You testified, Mr. Link, fore the grand jury that you did get $1,000 to vote for Lorimer, dn't you?" "Yes." "You testify here that you got $1,000 after

you voted for Lorimer, don't you?" "Yes." "Well, you did get a thousand dollars, didn't you?" Mr. Link hesitated. "You testified when the grand jury was in session a few days ago before the grand jury that you did." Knowing a special grand jury was in session to again indict him if he said so, he said, "Yes." That is not a mere conjecture.

A special grand jury was called again during the pendency of the second trial. Several of the witnesses who testified for the defense were indicted for perjury for their testimony in the case, although it was corroborated by officials of the Central Illinois Railroad and others. Now, that was the kind of a campaign that was carried on. Mr. Beckemeyer testified that he got a thousand dollars. He testified that he was taken before the state's attorney and he told the state's attorney that he never got any money from Browne or anybody else for voting for Lorimer. He said he was a Democrat. He said he voted for Lorimer because, he said, the Democratic leaders of his senatorial district desired it, that Senator Lorimer, because of this deep-waterway campaign, merited it, and because of Senator Lorimer's advocacy of it he knew the benefits that would accrue to the people of the Mississippi Valley and the people of the State from Chicago down through the Des Plaines and Illinois River down to the Mississippi, and that was the reason he voted for him. The police officer of the state's attorney's office who was put in charge of Beckemeyer as soon as Beckemeyer was excused from the grand jury room testified—this police officer, being a city police officer, did special work in the city police department, but was assigned to duty in the state's attorney's office—that he took charge of Beckemeyer, although he had not then been indicted; no warrant had been issued against him, but he was told by the state's attorney or some of his assistants to take him, and he did take him and kept him in custody. The police officer was called by Browne's counsel, on the defense, in the trial of the last case and he testified that he was given charge of Beckemeyer. Beckemeyer said he was forced to tell under oath—I think all of the police officers assigned to the state's attorney's office were subpœnaed by the defense in the Browne case. He testified—that is, the police officer Keeley, this police officer referred to—that he had Beckemeyer; that he was told to take Beckemeyer out and get him drunk after he left the grand jury room, stating there under oath that he never got any money for voting for Lorimer. He said he did take him out and he got him drunk; took him to the theater that he was told by the state's attorney's office to take him to the best hotel in the city and any place he wanted to go; that he did take him out and that he did get him drunk; that he took him to the theater and then he took him to a house of prostitution out on Wabash avenue and the police officer and Beckemeyer and a friend of Beckemeyer's stayed there all night with three women. The details of that were ruled out publicly by the court from public hearing, but that was the statement made to the court by the police officer and by the others. He went back after he had first been before the grand jury and had been taken out by the police officer Keeley, who was told to get him drunk. He was taken back——

Senator Burrows. Judge, you will pardon the suggestion: Is the committee to understand that the purpose of your statement is to move for a continuance of the case?

Judge HANECY. Yes, Mr. Chairman.

Senator BURROWS. It seems to the committee that you ought to onfine yourself to a statement of the reasons for a continuance simply, nd that detailing the testimony in other cases does not bear upon he question of a motion for continuance. I simply make that uggestion.

Judge HANECY. I feared, Mr. Chairman and gentlemen, that ight be the impression that the committee would get, but the im-ortance of it is to show the contest that exists here and the bitterness f it and the extremes to which the people who have been prosecuting ere, and who Mr. Barnes says are prosecuting here, have gone to this transaction, and there are two of the cases still pending in e Sangamon criminal court.

Senator BURROWS. The committee, you understand, would be very lad to hear anything you may say in support of what I assume to e your motion for a continuance of the case.

Judge HANECY. I will not pursue that further, gentlemen, although ere is very much more detail and perhaps it has gone far enough indicate to this committee what the character of the proceeding . Mr. Browne is desired by Senator Lorimer as a witness and so Senator Broderick. They have been advised, I am told, by their ounsel, that they may not testify here and disclose to the prosecu-on at Springfield what their defense may be of matters that may be ed by the prosecution. They insist, or counsel for Senator Brode-ck and Mr. Browne at Springfield insist, that it was shown here nd admitted that $3,500 was paid for the testimony of White, the rincipal prosecuting witness, and paid by the Tribune; and I have ere a photograph of the contract between the Tribune, signed by r. Keeley, the managing editor for the Tribune, and the testimony Mr. White upon the stand, where he produced the original con-act. At the trial it was shown that the Tribune paid $3,500 to rocure that testimony against Browne and through Browne to de-at Lorimer, and they fear—no, there isn't any testimony about the oney being paid, but the contract was entered into and it was paid; e last payment of the $1,000 was not to be paid until after the st trial, but White testified that it was in fact paid to him before testified, although it was possibly thirty days, it would not be e under the terms of the contract until probably thirty days or number of days anyway, after the trial. He testified to that.

Now, they say, if they disclose their defense, or disclose the main cts—facts that might be material in their defense here, other witnesses n be procured for a less sum than $3,500 to testify against them, d their counsel insists that they shall not testify here. Now, to mpel those men to testify here, you gentlemen can very readily see, ery lawyer can, and most laymen can, how detrimental it might to them in making their defense down at Springfield next month; d to deprive Senator Lorimer of their testimony here might be ry detrimental to him in this investigation, and he is not willing go on unless he is compelled to go on with that handicap and that sadvantage. Now, that is not all. Fifty of the men who voted r Senator Lorimer, about 50 of the men (I think it was from 47 to not less than 47, and I think from there to a little over 50, who ed for Senator Lorimer) have been nominated at the primaries st past for the election that will take place on the 8th of Novem-

ber. Twenty-five of the 47 to 50 are Democrats and the other are Republicans. Now, these same charges that are presented here, that were presented in the trial of the criminal court, have been presented in most of the senatorial districts of those gentlemen by the same men who are presenting them here. Mr. Barnes has gone out into the different circuits or the different districts and has made speeches. Mr. Barnes is not a Democrat, but he has gone into Democratic territory and denounced these men on account of the charges that are here made, so that they have been put upon trial repeatedly. He went into Lee O'Neil Browne's territory, and made speeches denouncing him upon the charges made here and they were the same that were made in the criminal court. He did not go alone. He got a number of his friends to go down in that district, that they were not living in, and had nothing whatever to do with, and made those speeches, but Mr. Browne, it is true, was nominated by the biggest popular vote that he ever got in that district, and they went into Senator Broderick's district here in Chicago, although they did not live there, and they made the same attack on Senator Broderick there.

They went into the senatorial district of Speaker Shurtleff, who was the speaker of the last house, and they made the same attack also on Senator Broderick, who was nominated by a vote of more than 3 to 1, notwithstanding their attack and the attack of the Chicago Tribune, and Mr. Barnes says he knows more about this than any one else. They went into all of the other senatorial districts, and notwithstanding that, 47 to 50 or more who were attacked in that way, about half Republicans and half Democrats, were nominated by the people of their senatorial districts. If that was all, it might be said to stop there, that would end there, but the threat is made publicly through the columns of the Tribune and its associated papers in the same combination that the attack will be continued on the same lines as made, viciously if necessary, on to the election in November, and that these men will be defeated. Now, these men, 47 to 50 men, are very largely interested in that question, and if we call them here, you gentlemen can very readily see how embarrassing it may be to them, and how, what they may testify to here may be against them in their senatorial districts at the election on the 8th of November, and they say they won't come unless they have to, they say pointedly they will not come; of course, they do not know, some of them, that they can be compelled to come. But it is not fair to them, I submit, to compel them to be taken away from their senatorial districts with that kind of a fight pending and compel them to come here and furnish facts that may be used against them in their own districts and to their detriment and defeat.

Now, the essence of all that is, it is not the fact of fighting Senator Lorimer alone, it is not because of the opposition or the vendetta toward him, but in its operation it will not only apply to Senator Lorimer but to all of the men who voted for Senator Lorimer. That is, the charge that is being made now without saying so, the real facts are that they voted for Senator Lorimer because of his advocacy and grand work in the appropriation involving the expenditure of $20,000.000. Here they had to act by a constitutional amendment. Now they say that the two sides, the Tribune and the governor, are contending that $20,000,000 for a power plant and not

deep waterway, and that was before the last legislature, and it was efeated by Senator Lorimer and his friends leading that fight to eep pledges they had made to the people. Now that same ques- on is presented to these different constituencies, and it is at- mpted to defeat both the Republican and Democratic nominees— ose who at the last session of the legislature voted against the xpenditure of $20,000,000 by the governor of the State for a ower plant when a pledge was made to the people that it would e expended only for a deep waterway. Now they are confronted ith these two questions, and upon which they are being attacked ecause they voted against the expenditure of that money, and it is n attempt to obtain a majority of the legislature by the governor f the State and the Chicago Tribune, led by its able editor, Mr. eeley, in getting that $20,000,000 for the governor to spend during is administration, and before the expiration of it. Now they re confronted with those questions, and it is a very serious question) Senator Lorimer and his side in this case, that he can not get ose witnesses here, or that he can only get them by the enforcing f the power than can be exercised by this committee to compel them) come in here and submit to what may be mere gossip, but gossip erious enough to seriously affect, and possibly defeat, many of them t the coming election. Now, there is the condition that we are onfronted with. Those candidates for the legislature say they ill not come here; they will not come. We know only what they ate about it. We know that Senator Broderick and Mr. Browne ill not come unless they are compelled to come, and we do not like) be put under that handicap.

This question has already been tried, of course. The judgment f the criminal court here exonerated Mr. Browne, and finding that Ir. White, the prosecuting witness, who was paid $3,500 for his estimony, and Mr. Beckemeyer and Mr. Link; what they say does ot bind this committee, it is true, but it is the judgment of the ourt, so far as the charge that White was bribed by Browne to vote or Lorimer, that would be in every jurisdiction in the world, as I nderstand it, res adjudicata here, and in every other tribunal hav- ng jurisdiction to try the case. Now, there are other questions uxiliary to that, surrounding that, that may have other details, all f which may not come out before this committee or the general ublic, and which we do not think ought to come out to the detri- ent of Mr. Lorimer for political reasons, or the different men, hese 25 Republicans and 25 Democrats, who are candidates at the lection in November, for purely political reasons and not for the easons for which this committee was appointed to make this in- estigation. This committee was appointed to try the issue, and here can be no desire to do other than to investigate the question whether an unworthy person has unworthily obtained his office and seat in the Senate of the United States and still retains it. These harges were not made until considerably more than a year after he ook his seat, and then they originated in the payment of $3,500 to White, and then the bludgeon of the grand jury and the state at- orney's office compelling two others to testify to what was taken to e corroborative testimony.

No good purpose can be accomplished so far as the purposes of his committee are concerned, or the Senate of the United States, or

good morals, or good government, by forcing a hearing of this proceeding at the present time, because the Senate will not sit regularly until the first Monday of December. The Browne and the Broderick case will be tried before that time undoubtedly, and the conclusions that are now pending in which all of these men are vitally interested in their different senatorial districts will be over on the 8th day of November, and there is ample time between the close of election in November and the closing of the trials of Browne and Broderick to investigate this whole matter and be ready even on the first day of the session of the Senate to present the report of this committee. In that way fairness will be shown to all of the sides and interests involved here, and unfairness will not be meted out to one side to the very great detriment of the other. And I submit that for another reason, because of the truth that must come out on the floor here and of all the truth that must come out from the witnesses, that they ought not to be hampered or coerced because of the conditions that surround them at the present time. And I submit, Mr. Chairman and gentlemen, that this ought to have very serious consideration here, and that this matter should be postponed until all those matters are disposed of in the criminal court of Sangamon County and the election in November. Otherwise the effect of the investigation here, whatever the conclusion may be, will be purely political and will be used as a political club to defeat the candidates of both parties—candidates of both parties for the legislature—and do a very great injustice to Senator Lorimer. And I submit, Mr. Chairman and gentlemen that that should not be done when there is no purpose involved except to give to the Chicago Tribune or other enterprising newspapers an opportunity to exploit the gossips that may come out in the hearing here.

Mr. BARNES. May I say just a word?

Senator BURROWS. Certainly.

Mr. BARNES. I am very much surprised at the plea that has just been made to this committee to delay action, and I am surprised at the ground stated in that appeal to the committee. Mr. Chairman you have it within your power and you, gentlemen, to do something more than help defeat unworthy legislators, who are now seeking office at Springfield. You have in within your power and I believe it is your purpose and within your power to remove from the United States a stain that we of Illinois have made upon it, and a stain made upon our own State. And we who are disinterested, sir, I may claim who belong to a nonpolitical organization, are very, very eager to have this investigation proceed. We have, to be sure, been out in this State trying to defeat such men as Mr. O'Neill Browne and Mr. Shurtleff and Mr. Broderick and others who represent those parties and who stand for dishonesty, who stand for the lowest kind of corrupting politics. We have evidence to prove that, sir, evidence that you could not deny, and you ought, it seems to me, to proceed with and press this investigation. I have been criticised for having used the agency of the Tribune in presenting this claim to your honorable body of the Senate. Let me very briefly explain how this came about. There are several of us who had understood the situation at Springfield, knew by evidence that was hardly sufficient to be brought into court and to have condemned the defendants, knew by evidence that corruption of the most gross character had been taking place in

Springfield during the last session, largely brought about by a partisan combine, a combine that afterwards came to be the agent of Senator Lorimer in his election. The Legislative Voters' League endeavored through political agencies to obtain definite proof of the corruption that was going on, but it could not find, as it seemed to us who were in the position of executive officers, could not find sufficient evidence to go into court. We were all ashamed of it and all felt it and the need of remedying it, and in fact, we would have given anything at the expense of a large fortune if we could have uncovered the corruption that it was perfectly evident was going on at Springfield. When the Tribune found, through Charles White's story, some evidence that made it possible to open the grand jury action, we were overjoyed and we expected that the honorable Senate would immediately take action bringing about an investigation. And when the weeks went by and no action was taken, I was called up in the latter part of May by a representative of the Examiner, I believe it was, who asked me if the Voters' League would not do something to bring this matter before your honorable body. I said I did not feel that the league was qualified to do it, but I would take the matter under consideration, and we talked the matter over and could not see our way clear; and one day while I was attending a meeting of the commission of commerce at the Union League Club, Mr. Keeley called me up and asked if there was any possibility of our doing this thing——

Judge Hanecy. That is the managing editor of the Tribune?

Mr. Barnes. That is the managing editor of the Tribune. I told him as I had told the reporter—that is, I supposed he was—of the Examiner, that I didn't see how we could do anything about it; he said, "I think we can help you." I said, "I would be delighted to have you." I went over to Mr. Keeley's office, and we talked the matter over; and after a consultation, Mr. Keeley had prepared the matter that was afterwards laid before your honorable body and signed by myself.

Mr. Chairman, we of Illinois, who are interested in the welfare of our State rather than any political party, are perfectly confident that we have corroborative evidence in abundance to testify and show and prove that there never has been a state of political corruption to exceed that which was in evidence at Springfield at the last session. By your immediate action, sir, you could help those of us who are disinterested; you could help us purge out of the State a lot of rascals who ought to be removed by force. It is a fact that your action now would help immensely in clearing out of this campaign a lot of men who ought to be cleared out. You have it in your power to bring evidence which the court here in Cook County could not consider, and I have no doubt at all, as the Hon. Judge Hanecy has remarked, that should you see fit to call Lee O'Neill Browne and Mr. Broderick and Mr. Shurtleff and others here, the testimony they would give would be so damaging that they would doubtless be defeated at the coming election.

I wish, Mr. Chairman, that you might hear from the representative of the Tribune, Mr. Austrian, who is now acting as temporary counsel.

Judge Hanecy. May I just reply to one thing in verification of what I said when I was on my feet before? Mr. Barnes has thoroughly confirmed that the purposes of this investigation and what

is adduced here will be used by them for the purpose of defeating these men who are candidates for the legislature and who voted against the expenditure of $20,000,000 for a water-power plant instead of a waterway. I could not have a clearer admission if I had cross-examined the gentleman myself.

Senator BURROWS. Judge, the committee would like to have you put in writing your application for a continuance, stating the grounds for such continuance distinctly and clearly, and in such form as you, yourself, as an eminent jurist and lawyer, would listen to and consider. There has been very much said outside of the point of the continuance, and we would be glad to have you make a motion in writing, in the usual form, as an application for continuance, stating succinctly the grounds upon which you ask it.

Judge HANECY. I would be very glad to do so, Mr. Chairman. May I ask within what time?

Senator BURROWS. You can have it ready by to-morrow, I presume, Judge.

Judge HANECY. I will do it just as speedily as possible.

Mr. BARNES. Would you hear from Mr. Austrian, representing the Tribune?

Senator BURROWS. Upon this motion for a continuance?

Mr. BARNES. Yes.

Senator BURROWS. Yes; we will.

Mr. AUSTRIAN. Mr. Chairman and gentlemen; before you have heard me upon the question for a continuance, I think the first thing that ought to be heard is whether you will permit the Tribune to appear, not in the light of a prosecutor, but to aid or rather present in such succinct form as the committee may deem advisable the witnesses—the oral and documentary evidence which they have leading to an investigation of this charge. And I desire to address myself, if permitted so to do, upon two propositions: First, shall the Tribune be heard, as such, through its counsel; and secondly, if you conclude to hear the Tribune, whether or not a speedy hearing should be had, or this matter postponed indefinitely. Of course you are all familiar with the record under which you are acting. Senator Lorimer's speech of May 28, the filing of the Legislative Voters League of charges on June 7, the resolution referring this charge or these charges to this committee to audit, and subsequently, on June 20, the resolution directing this committee or this subcommittee to investigate the charges whether or not corruption or corrupt methods or practices—bribery is not stated in the resolution—were indulged in in the election of Senator Lorimer to the United States Senate.

When that resolution was introduced upon the floor of the Senate Chamber you undoubtedly remember that Senator Borah asked leave to amend by inserting the word "immediately;" and if there is any question about that I have it here before me, and the chairman of this subcommittee rose in the Senate Chamber and said: "Don't you think, Senator, that that is a little reflection?" And the suggestion or the proposed amendment was withdrawn, and thereupon the chairman of this subcommittee stated with all due dispatch you would cause an investigation to be made on these charges. It is unnecessary for me to read the minutes of that meeting of June 20. You announced many weeks ago that on June 20 you would sit in Chicago and receive such evidence as might be adduced and produced here for

your consideration. After some days you called this meeting to order and we appear. You, I believe, came here on September 19, Mr. Chairman, and some of the other members of the subcommittee. We, on September 19, and by "we," I mean the client I represent, and who, casting aside all the chaff that has been said here upon the merits or the demerits of this controversy is the only party interested, as everyone concedes, were handed a list of some twenty-five witnesses, and again on September 20 again were handed a list of something like thirteen or fourteen witnesses who we were ready to produce with your assistance and by the issuance of a subpœna. I speak of that, Mr. Chairman, because in the face of the charge of Senator Lorimer, made on the floor of the Senate on May 28, 1910, that he wanted an immediate investigation of the charges and that the client whom I represent, the Chicago Tribune, would not dare to step out in the open and make the charges or present the evidence. We are now here, Mr. Chairman, we are here and have furnished you some evidence with the list of witnesses, and we say to you that the state of the record is not as Judge Hanecy would have you believe. We say to you that the acquittal of Lee O'Neill Browne is not, as has been suggested, res adjudicata, or even a decision of persuasive authority, that will even be considered by this subcommittee. Suppose Mr. Browne had been convicted and we had offered to introduce the order of his conviction before you, would you have given it much time or consideration that that order of conviction was binding, or even tended to prove the charge made under this investigation? No two rules of law are better settled and established than these, first, that you must either connect the sitting Senator with the direct charge of bribery himself, or second, that you must say that so many votes have been swung to the Senator-elect as to, by corrupt methods and practices of bribery, as to take from him that majority which he had.

In considering the evidence as to either one of those two propositions, the law bearing upon either one of those, and I offered in evidence an indictment of Lee O'Neill Browne that on June 16 in the city of Chicago he paid one Charles E. White, then a sitting member of the forty-sixth general assembly of Illinois, a sum of money, would the gentleman say that that tended to prove any issue in this case? No. Now then, we have an acquittal and Judge Hanecy says that in every court in Christendom that would be considered as persuasive res adjudicata, as persuasive authority. I say to you, gentlemen of this subcommittee, that the gentleman knows and you know that in the criminal court of Cook County, and in the criminal court of any other county and every county in the United States, that you must prove a crime beyond a reasonable doubt, and that proof of guilt beyond a reasonable doubt is proof of guilt to a reasonable and moral certainty. Now, I will ask you to answer this question—look at the Payne case, look at the Clarke case, look at the Clayton Powell case, and look at any of the cases that you gentlemen in your long experience in the United States Senate have had occasion to review and sit upon, and show me one sentence where you have, or where any of your predecessors in office have, held that you must prove corruption or corrupt methods or practices in the election of a United States Senator beyond a reasonable doubt as to each and every element of the corrupt methods and practices indulged in. And again, Officer Keeley, referred to by Judge Hanecy, may have been drunk; I don't

care whether he was or not; he may have indulged in practices that the learned counsel says he indulged in. We are not relying on Officer Keeley. We have given you the names of men who were members of the legislative bodies of Illinois in the forty-sixth general assembly without number. We say to you, if this is political conspiracy, as Judge Hanecy says, you can readily dispose of it between now and the elections. We say to you further that if there is not anything in our position the sooner it is exposed the better for all concerned. We say that if we engaged in or indulged in a conspiracy with Governor Deneen, or the Legislative Voters League, or anyone else, you can expose it promptly and immediately.

We bought this testimony for $3,500, did we? and if you bring Senator Broderick here to testify and he discloses what his defense is we can buy some more cheaper later on. Counsel did not tell you that the facts disclosed in this case showed that we didn't buy any testimony at all. That this very story, this confession of this man Charles E. White many months before we ever heard of him, was offered to Everybody's Magazine and the McClure Publishing Company and many others, and along in May was the first we ever heard of him, and later on somebody told us Senator Lorimer must have been telling him about it, asking him if he wanted to buy it. I am not here in defense of White. You will see White; you will see Broderick; you will see Browne; you will see them all, and having heard the testimony of all it is for you to determine upon which side the truth lies. Now, gentlemen of the subcommittee, if this is all idle chaff, if this is political guff and no more, if this is not an attempt and an honest endeavor on the part of my client to have you know the facts, why, then, we are wrong and you only want to know the facts. Judge Hanecy says that we are the instigating motive power. We are, and that is why we are here. Why, the very statement of Judge Hanecy, the intricacies of his statement, and the involved methods that he pursued to enlighten you gentlemen upon the details of the two trials of Lee Brown, where the only offense for which and upon which he could have been tried was whether or not in the county of Cook, not in the State of Illinois, not in the State of Missouri, but whether or not only in the county of Cook he tried to bribe one Charles E. White. Why, the evidence in that very case showed—it was not competent as material substantive evidence—the evidence in that case showed that the act complained of took place not alone in Cook County, took place in Springfield, in Sangamon County, and in St. Louis. Why, if I could go into detail, and go on to detail—for the same purpose and following along the line followed by Judge Hanecy—as to what the evidence in that case showed, why, if I should go on and detail the facts we intend to establish before you, you would be somewhat surprised.

For instance, if I should say to you now that we will prove to you the sudden affluence and wealth after a certain conference with this same Lee O'Neill Browne of many members of the legislature, and suppose I should say to you, Mr. Chairman and gentlemen of the subcommittee, that after this exposure the senators and members of the house of the forty-sixth general assembly were chasing each other like hares all over this State, meeting at dark places, out of the way places, and framing defenses and alibis with reference to the payment of corrupt money. Suppose I said that besides the men he men-

tioned, Link and Beckemeyer, from the day that Senator Lorimer made that speech on the floor of the Senate Chamber on May 28, 1910, without the influence of the Chicago Tribune, unbeknown to the Chicago Tribune, one of the most theretofore respected members of the senate of this State, Senator Holden, confessed that he had been paid $2,500 to vote for Lorimer. Suppose I should go on and bare and disclose without number the men we can enmesh in the toils of bribery. Suppose I stated to you that these men will go on the stand and testify to these things, one to the effect that $900 was paid in a bath room, as a part of this controversy, suppose I was to rehearse all that, to what purpose would it be? Referring again to what Judge Hanecy said to you a short time ago, we are the motive cause—we printed this story on the 30th of April and on the 28th of May for the first time, the Senator from Illinois spoke on the floor of the Senate. No action was taken. On the 1st day of June this resolution was written by Mr. Keeley. No action taken. At the behest of the Chicago Tribune the Legislative Voters League filed before you and presented a written memorial which appears on record, then for the first time was this resolution on the 20th of June passed.

Now, I say that we have the names of and we have the witnesses, we have the documentary proof and the evidence and we, the Chicago Tribune, are thoroughly responsible, no one will gainsay that for a moment, we ask in all fairness, not as prosecutors, but simply to aid, assist, and help you in this matter as much as possible. We want no more part in this investigation than you think we ought to have.

Now, with reference to a continuance, you are not going to stay here ad infinitum; you are going to be here for perhaps a week or two or three. We will produce testimony, if you will permit us to assist you, the honorable subcommittee, to keep you busy for at least a few weeks; and suppose Senator Broderick and Senator Browne are put upon trial at Springfield, and suppose a conviction should be had, and then a writ of error sued out to the supreme court of this State, and then counsel representing Broderick and Browne say, "No; we won't permit our clients to testify." "Why?" "Why, there is a writ of error pending in the case, and if the case is reversed, why, then, of course, we will have to have another trial, and then we might want them to testify." I never heard—being a man of not great experience, such as Judge Hanecy—I never heard such an argument advanced. When those witnesses come here and say they are not going to testify, under the advice of counsel, there may be some act pursuant to the statutes of the United States in that case provided. And then if an adjournment be necessary to permit, in your discretion, some other witnesses to testify, that may be done again. We say to you, that if you will but issue the subpœnas, and if you will direct that they may be served or permit us to have agents serve them or by whoever you may designate, we will have this evidence and sufficient of it, irrespective of the gentlemen named by Judge Hanecy, to keep the committee busy for some time to come.

Judge HANECY. May I suggest, Mr. Chairman, that it is not the desire of Senator Lorimer or any of his friends to limit the investigation here or to exclude any testimony that this committee may desire to hear, and we will aid this committee and have any witness here that the committee will suggest or that the committee desires

to hear from. We do think, however, it would be unfair to use this investigation as a political club to defeat the men who can not be here at the elections that will be concluded on the 8th day of November. We do suggest that gossip should not be published through this committee. It should not be the means of conveying mere gossip to the public, as suggested by Brother Austrian, through the papers that he with somebody else own and control under the title of "we;" but that only such testimony and such facts as tend to show things that this committee should investigate should be gone into, and there can be no conclusion until after the Senate meets in December; so that the only purpose that could be accomplished by making this conduit of gossip through the committee, to the Tribune for publication, would be to affect the men who are running for the legislature and who can not be here to be heard in reply. And I submit that no interest can be seriously affected, but justice and fair dealing can be accomplished by postponing this until those two cases are disposed of and the November elections are over. There is not any doubt about the disposition about those cases in Springfield before this committee will want those gentlemen after the election in November.

Senator BURROWS. I gather from your remarks [referring to Mr. Austrian] in opposition to this motion for a continuance that the Tribune desires to be represented by attorneys.

Mr. AUSTRIAN. Yes, sir.

Senator BURROWS. In this case, Judge, can you have your application in writing on the motion for continuance ready by to-morrow morning at 10 o'clock?

Judge HANECY. I do not know, Mr. Chairman. We ordered what I said here written up, so I can use it in preparing more briefly what your committee desires. I do not know just when I will get that. Probably some time during the day.

Senator BURROWS. To-day?

Judge HANECY. Yes, I will get that; then I will prepare the other just as speedily as possible; but I will have to dictate that in all probability and then wait for the stenographer to write it out.

Senator BURROWS. It is the desire of the committee that you state the grounds of your motion for the continuance, eliminating those things that do not bear on that question.

Judge HANECY. That was what I wanted this written out for, Mr. Chairman.

Mr. BARNES. May I have an affidavit, or present an argument in opposition to any continuance?

Senator BURROWS. Oh, certainly.

With that understanding, then, the committee will adjourn until to-morrow morning at 10 o'clock.

Mr. AUSTRIAN. May I ask one question before you adjourn, if you please? If the committee conclude that the Chicago Tribune has the right of representation, of course I would like to appear here and see Judge Hanecy's affidavit, and make a reply to it.

Senator BURROWS. We will determine that question in the morning.

Mr. AUSTRIAN. We would like an opportunity of replying to Judge Hanecy's affidavit if we can have that opportunity.

Senator JOHNSTON. As I understand it, this affidavit will state substantially what Judge Hanecy stated in his speech here.

Mr. AUSTRIAN. I don't so understand it.

Senator JOHNSTON. That will be the ground. He has covered the ground in his speech.

Judge HANECY. I do not understand that I am required to make an affidavit. I got much of this from the counsel for these parties, the counsel for Browne and Broderick and others.

Senator BURROWS. Oh, no; the usual application for a continuance.

Judge HANECY. Simply a motion for continuance.

Senator BURROWS. Stating the grounds upon which the continuance is asked.

(Whereupon the committee adjourned.)

FRIDAY, SEPTEMBER 23, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

The subcommittee met pursuant to adjournment, and the following proceedings were had:

Judge HANECY. I have a motion, Mr. Chairman, which I desire to submit.

(Judge Hanecy hands paper to the chairman of the committee.)

Senator BURROWS. The chair desires to announce at the beginning of this session that the committee will permit the appearance of Mr. Austrian and Judge Hanecy as counsel in this investigation.

Yesterday it was suggested, Judge Hanecy, that you put in form the application for a continuance as you would like it, and the chair will ask you now to read it to the committee as you wish to present it.

Judge HANECY (reading):

A hearing before the subcommittee of the Committee on Privileges and Elections of the Senate of the United States, before the Hon. Julius C. Burrows, chairman, Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. Joseph F. Johnson, Hon. Thomas H. Paynter, in re investigation of the election of the Hon. William Lorimer.

And now comes Elbridge Hanecy, counsel for the Hon. William Lorimer, by permission of said committee, and moves this honorable body to postpone the hearing of this investigation until after the trial of the cases of People *v.* Browne and People *v.* Broderick in the criminal court of Sangamon County, Ill., and until after the election of members of the legislature of Illinois to be held on the 8th day of November, A. D. 1910. And your relator shows unto this honorable committee that—

The charges made to the Senate of the United States in this matter were presented by Mr. Clifford W. Barnes in a communication, affidavit, and exhibits prepared and sworn to by said Barnes on the 6th day of June, 1910, as appears in the Congressional Record of the second session of the Sixty-first Congress on pages 7801–7810.

(1) That said charges made by said Clifford W. Barnes were sworn to; that in the public hearing before this honorable committee in Chicago on the 22d day of September, A. D. 1910, the said Clifford W. Barnes stated to this honorable body as follows:

"It is quite without the province of the Legislative Voters' League to employ lawyers in this matter, nor have we the evidence at hand which would make it possible to submit to your body such testimony as would give to you the proper data on which you should act."

(2) That the indictment set forth in the communication of said Barnes, and published in the Congressional Record, consists of 13 counts; that said indictment charges Lee O'Neil Browne, Democratic leader of the house of representatives of Illinois, with bribing Charles A. White to vote for Senator Lorimer for United States Senator; that said Browne was tried in the criminal court of Cook County, Ill., on said indictment, and was found not guilty by the

jury, and a judgment of not guilty on all of the counts of said indictment was entered of record in said criminal court on September the 9th, A. D. 1910.

(3) That said Lee O'Neil Browne and Robert E. Wilson were indicted in Sangamon County, Ill.. on a charge of conspiracy to bribe, etc.; that John Broderick, a state senator of Illinois, was indicted by the grand jury of Sangamon County, Ill., on a charge of bribing one Holdslaw, a member of the senate of Illinois, to vote for William Lorimer for Senator.

That said indictments against Browne and Broderick are now pending in said court and undisposed of, and the state's attorney of said county has given notice that he will set said cases down for trial for about the middle of October, 1910.

(4) That said Lee O'Neil Browne, Robert E. Wilson, and Senator Broderick are all candidates for reelection to the legislature of Illinois, and all were nominated at the direct primaries held September 15, 1910, in their different senatorial districts; that 47 or 48 members of the last legislature who voted for Senator Lorimer were renominated at the direct primaries held on the 15th day of September, A. D. 1910, of which number 25 are Democrats and the balance are Republicans; that others who voted for Senator Lorimer may be candidates for reelection by petition on November 8, 1910; that said Clifford W. Barnes and other members of the so-called Legislative Voters' League went into most of the legislative districts of the members who voted for Senator Lorimer and opposed the renomination of every man on the Republican or Democratic ticket who voted for Senator Lorimer; that said Clifford W. Barnes and his associates, including the Chicago Tribune, have threatened and are threatening to use every effort to defeat every man on either the Republican or Democratic ticket who voted for Senator Lorimer for United States Senator; that if this investigation goes on before the election to be held November 8 next, and the men who voted for Senator Lorimer for United States Senator are called as witnesses before this honorable body, they will be taken away from their legislative districts and prevented from making the proper and necessary canvass and campaign to be reelected; that if this investigation goes on before said election, the testimony of such candidates before this honorable body and the testimony of others who are opposing such candidates will be used by the Chicago Tribune and the associated newspapers in combination with it to harass, annoy, and defeat such candidates in their different legislative districts; that if said Browne and said Broderick are called as witnesses before this honorable body their counsel has informed them that they must not testify, as something might develop that would disclose their defense in the criminal action now pending in Sangamon County, which may injuriously prejudice the rights of said Browne and said Broderick; that if Senator Lorimer is deprived of the testimony of said Browne and said Broderick in this investigation it will seriously prejudice his rights; that the election of the members of the legislature of Illinois will take place on the 8th day of November, A. D. 1910; that the trial of the cases of the People *v.* Browne and the People *v.* Broderick, in Sangamon County, will be disposed of about the same time; that the Senate of the United States will not meet until the first Monday of December, A. D. 1910, and if this investigation should go on immediately no final result or disposition could be arrived at until after that time; that there will be ample time between the close of election of November 8 and the conclusion of the trials of said Browne and said Broderick and the meeting of the Senate of the United States for this honorable committee to take up and investigate and report on the matters now pending before it; that if the investigation proceeds now or at any time before the election and the trial of said Browne and Broderick cases the proceedings and the testimony there taken will be used by the said Clifford W. Barnes, his associates, and the Chicago Tribune to harass, annoy, and injure the different candidates running for the legislature and the three defendants in the cases now pending in Sangamon County; that in the public statement made by the said Clifford W. Barnes before this honorable committee on September 22, 1910, said Barnes used this language in his effort to obtain an immediate hearing:

"Your action now would help immensely in clearing out of this campaign a lot of men who ought to be cleared out."

That the whole purpose of those who are pushing this investigation for an immediate hearing is to create political capital for the members of the so-called Legislative Voters' League and their friends, and to injure politically the candidates of both parties who will not obey the orders of the said Barnes and his so-called league and his newspaper associates.

That for the reasons above given, as well as those stated at the public meeting f this honorable committee, I respectfully submit that the investigation should e postponed until after the legislative election on November 8 and the trial of he Browne and Broderick cases in October.

Respectfully submitted.

ELBRIDGE HANECY,
Counsel for William Lorimer.

Senator BURROWS. The committee will retire for a moment to con-ider this application.

(Whereupon the committee did retire, and upon reconvening the ollowing further procedings were had:)

Senator BURROWS. The chairman desires to state that the committee as considered this application, and Senator Paynter will announce he decision of the committee.

Senator PAYNTER. The committee has considered the motion for ostponement of the hearing of the case and the statements contained n the affidavit filed upon that motion, and it has reached the conclu-ion that the reasons assigned are not sufficient to justify the commit-ee in postponing the hearing of this matter at this time.

Senator BURROWS. Mr. Austrian, the committee would be obliged o you if you will submit a list of the witnesses you desire to have alled in this investigation.

Mr. AUSTRIAN. The witnesses, Mr. Chairman, we desire to have alled here at this time are embodied in the two lists sent to the chair-an on September 19 and 20. I have not duplicates with me, but I an have them very shortly here.

Senator JOHNSTON. We have those mentioned in the lists.

Senator BURROWS. We have the lists to which you refer.

Mr. AUSTRIAN. Then, of course, as the investigation develops, the estimony of some witnesses who may be put upon the stand that re-uire elucidation or corroboration, why, we will furnish as promptly s possible the additional list of witnesses. There are some 35 wit-eses named on those two lists, as I recall it.

Judge HANECY. Mr. Chairman, I desire that a list of their witnesses e submitted to us. It is the common practice here; in fact, it is the w of this State, that in all of these cases—that is, in all criminal or uasi criminal cases—a list of the witnesses shall accompany the harge. We have no knowledge now, whatever, except the general alk here of the names of the witnesses to be called.

Mr. AUSTRIAN. There is no objection to that. We will furnish udge Hanecy a list of the witnesses without delay.

Judge HANECY. We ought to have a full list and we ought to have sufficiently long to know the different witnesses who are to be alled so as to know something about them and be prepared to cross-xamine them, if we are permitted to do that.

Senator BURROWS. The Chair was about to state that after the ad-ournment the committee would be pleased to confer with counsel in elation to the list of witnesses proposed.

Mr. AUSTRIAN. Yes, sir.

Senator BURROWS. And the committee will arrange to meet you at uch time and place as might be convenient. We would like to have he conference soon, and possibly immediately upon the adjourn-ent for the noon recess.

Mr. AUSTRIAN. My time is at your disposal entirely.

Senator BURROWS. Thank you.

Judge HANECY. Will I be informed, Mr. Chairman, when that will be? I do not know when that conference will be held, and I may want to do something else unless there is a time fixed for it. I have no knowledge of when it will take place.

Senator BURROWS. Well, the Chair will state, that if agreeable to you the committee will meet with the attorneys immediately after the adjournment of this morning's session.

The committee desires to have at the outset the official record of the proceedings of the Illinois legislature covering the period of the contest for the election of the United States Senator, of course, including the votes, day by day, and the entire record. It occurs to the committee that possibly counsel might agree without putting the Government to the expense of sending for the custodian of these records with a subpœna duces tecum to bring the records, and the Senator in his address to the Senate, as published in the Record of May 28, set forth what purports to be an accurate copy in full of the proceedings of the legislature in each house and in the joint assembly, together with the votes cast each day and the names of the persons voting. I suggest to counsel that I will place this record in their hands and possibly counsel can agree with reference to it.

Mr. AUSTRIAN. Mr. Chairman, we have at hand and ready to be produced at any time certified copies of the documents, certified to by the secretary of state, of all the documents that you have referred to and I think Judge Hanecy and I will have no trouble in agreeing that the certified copies may go in in lieu of calling the clerk and secretary of state. We will have no trouble about that at all.

Judge HANECY. Do I understand, Mr. Chairman, that will be a record of the meetings of the two houses separately on the first day required by the federal law, and then the joint session on the next day, and each day thereafter?

Senator BURROWS. The Chair stated that in the address of Senator Lorimer he set forth the entire proceedings in both houses and also the joint assembly bearing upon the election of the senator.

Judge HANECY. The only reason I ask was so I might know, when we got to that, just what the committee desires.

Senator BURROWS. Yes; the chair will place this record in the hands of the attorneys, and it is hoped that on consultation you will agree on what will be submitted to the committee.

Mr. AUSTRIAN. We have that all here, and the judge has them also

Judge HANECY. No; I have not.

Mr. AUSTRIAN. We will furnish the judge an extra copy.

Senator BURROWS. That is a matter, it is hoped, that the attorneys will be able to agree upon without any controversy.

The chair desires to state in behalf of the committee that the purpose of the committee is to proceed at once with this investigation and issue the necessary subpœnas to compel the attendance of the witnesses required. Owing to the absence of two members of the committee, Messrs. Frazier and Bulkeley, both of whom are expected between now and Monday morning, and for the reasons stated and out of courtesy to our colleagues, the committee will now adjourn until Monday morning at 10 o'clock, and by that time it is expected the witnesses called will be present and the committee enabled to proceed with the investigation.

(Whereupon the committee adjourned.)

MONDAY, SEPTEMBER 26, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

The committee consisting of Senators Burrows, Heyburn, Gamble, Paynter, Johnston, and Bulkeley met pursuant to adjournment and the following proceedings were had:

Senator BURROWS. The committee will be in order. Do the counsel agree upon the record as to the vote in the legislature?

Judge HANECY. We have not agreed yet, Mr. Chairman, but we will do that. There is not much doubt about it. Will the committee desire that at the beginning?

Senator BURROWS. Oh, no; that can be postponed, if you will agree upon it. The secretary of state very kindly sent the committee a copy of the journal of both houses, so that if you have a certified copy prepared, why, that would be sufficient.

Mr. AUSTRIAN. I have prepared since the last hearing a brief synopsis showing the house journal and senate journal in so far as it may be material, I think in this hearing, and if it can be read, any inaccuracy can be corrected by the other side. There can not be any inaccuracy, because the house journal and the senate journal is here, but I think this will shorten it up.

Senator BURROWS. We are obliged to you and we will inspect it.

Judge HANECY. Mr. Chairman, I can not agree with that. That is, I can not agree—I do not want the committee to misunderstand me—I wont agree that this shall be substituted for the journal of each house, the house and senate journal being official, while this is a compilation by counsel.

Mr. AUSTRIAN. Very well, if I may state what it is, Mr. Chairman, I think you will find that it will shorten everything up. I will agree that the house and senate journal should be put in and be referred to in lieu of this at any time. But I have compiled here the number of members of both houses, whether they are Republican or Democrat, the number of ballots taken with the vote, the votes on the first ballot, and the votes on the last ballot, the ninety-fifth ballot, the number of ballots and the pages of the journal and the house register showing the vote that Senator Lorimer got. That is all it is.

Judge HANECY. I have no objection to its being used as a means of getting at the official record, but I do object to its being used officially here.

Senator BURROWS. I had understood, Mr. Austrian, that you had a certified copy of the procedings.

Mr. AUSTRIAN. I have, sir.

Senator BURROWS. Have you a certified copy of it?

Mr. AUSTRIAN. Yes, sir; I will just refer to it. It is on pages ——.

Senator BURROWS. We have that.

Mr. AUSTRIAN. Very well. That is certified to by the secretary of state.

Senator BURROWS. I understood you Saturday to say that you had a certified copy——

Mr. AUSTRIAN. I have a certified copy of the primary vote. That does not appear in the house journal.

Senator BURROWS. Perhaps we can pass this for the moment and counsel can agree on it. Otherwise we will determine it. What have you there?

Mr. AUSTRIAN. I wanted to say, Mr. Chairman, that I have prepared a memorandum over Sunday referring to the Senate cases upon all questions that I think will arise here—that is, decisions of the Senate and of the Committee on Privileges and Elections and the law applicable to this case as I understand it. I should like the privilege of giving counsel a copy of this as well as each member of the committee, and I think it will aid them and shorten up the proceedings very much. If there is no objection to it I will do so.

Senator BURROWS. Show it to counsel. The committee is quite familiar with the proceedings and the decisions in election cases, but this will possibly aid the committee.

Mr. AUSTRIAN. It will aid the committee because—there is the Clark case, for instance, covering three large volumes, and this is the first case where the rules of evidence have been made, and there are other cases that are of interest on this question.

Would there be any objection if we asked the official reporter of the committee to furnish us with a copy or transcript of the proceedings? It will make the paging agree with the copy before the committee, if we can buy one from the reporter—it will make the paging of our transcript and the committee's transcript identical, and we would like the privilege of employing the official stenographer in that respect.

Senator BURROWS. Any arrangement that you make with the official stenographer will be satisfactory to the committee.

Mr. AUSTRIAN. May I proceed?

Senator BURROWS. Yes.

Judge HANECY. If the committee please, before Mr. Austrian proceeds and before this is received and before this is passed—I do not know what the disposition of the committee will be as to arguments, but I can not consent that they shall make an argument in this way, in a brief, and that we shall not be permitted to do so at any time hereafter. All I want is an equal opportunity.

Senator BURROWS. I understand this is presented to the committee simply as a memorandum for the convenience of the committee.

Mr. AUSTRIAN. That is all.

Judge HANECY. But it is a brief argument.

Mr. AUSTRIAN. No argument in it at all. Not a word from me. I have not said a word in the whole paper. I have simply cited excerpts from the various cases—not a word of argument.

Mr. Chairman, we would like to get before this committee the statutes of Illinois known as section 31, chapter 38, of Hurd's Revised Statutes of 1908. I have here likewise section 39, being section 2 of our criminal court section on bribery, and chapter 46, section 480, of Hurd's Revised Statutes of 1908, being provisions of our statutes with reference to the primary vote on candidates for United States Senator. I will not take time to read the two sections—the sections of the criminal statute on the primary ballot for United States Senator—but the provisions of our statutes are as follows—it is very short and I will read it:

Any candidate for United States Senator may have his name printed upon the primary ballot of his State, not less than thirty days prior to the date of the April primary, in any year, a petition signed by not less than three thousand primary electors, nor more than five thousand members of, and affiliated with the party of which he is a candidate. And no candidate for United States Senator who fails to comply with the provisions of this act shall have his name

inted upon any primary ballot: *Provided*, That the vote upon candidates for nited States Senator shall be had for the sole purpose of ascertaining the ntiment of the voters of the respective parties.

If I may be permitted I will hand to the official stenographer the ctions of the statute to which I have referred, as it will be convenient in lieu of reading them now.

Senator BURROWS. Is there any objection to that?

Judge HANECY. No.

(The sections referred to are as follows:)

Every person who shall offer or attempt to bribe any member of the general sembly, judge, justice of the peace, sheriff, coroner, clerk, constable, jailer, torney-general, State's attorney, or other officer, ministerial or judicial, or y legislative, executive, or other officer of any incorporated city, town, or llage, or any officer elected or appointed by virtue of any law of this State, in y of the cases mentioned in the preceding section, and every such officer who all propose or agree to receive a bribe in any of such cases, shall be fined t exceeding five thousand dollars.

Punishment: Whoever corruptly, directly or indirectly, gives any money or her bribe, present, reward, promise, contract, obligation, or security for the yment of any money, present, reward, or any other thing, to any judge, justice the peace, sheriff, coroner, clerk, constable, jailer, attorney-general, State's torney, county attorney, member of the general assembly, or other officer, inisterial or judicial, or any legislative, executive, or other officer of any corporated city, town, or village, or any officer elected or appointed virtue of any law of this State, after his election or appointment, ther before or after he is qualified, with intent to influence his act, te, opinion, decision, or judgment on any matter, question, cause, or proceedg which may be then pending, or may by law come or be brought before him, his official capacity, or to cause him to execute any of the powers in him sted, or to perform any duty of him required, with partiality or favor, or herwise than is required by law, or in consideration that such officer being thorized in the line of his duty to contract for any advertising or for the rnishing of any labor or material, shall directly or indirectly arrange to reive, or shall receive, or shall withhold from the parties so contracted with, y portion of the contract price, whether that price be fixed by law or agreent, or in consideration that such officer hath nominated or appointed any per- n to any office or exercised any power in him vested or performed any duty him required, with partiality or favor, or otherwise contrary to law, the rson so giving and the officer so receiving any money, bribe, present, reward, omise, contract, obligation, or security, with intent or for the purpose or nsideration aforesaid, shall be deemed guilty of bribery, and shall be punhed by confinement in the penitentiary for a term of not less than one year more than five years.

Mr. AUSTRIAN. Those are the sections that are referred to.

In that connection, Mr. Chairman, I desire to offer in evidence a py of the primary ballot for United States Senator, certified by the cretary of state, showing Albert J. Hopkins received 168,305 votes; illiam E. Mason, 86,596 votes; George Edwin Foss, 121,110 votes; d William G. Webster, 14,704 votes; and scattering, 1 vote.

Judge HANECY. I do not know why this is offered or how it is aterial here. The question here is, Was there bribery or corrupt ractices in the election of William Lorimer. Now, the state statute, hich is advisory, or whatever it may be, on the election of the nited States Senator can not supplant the constitutional provision at the legislature only in the joint assembly—the body created by te federal act under the Constitution of the United States—is the ly thing that can control there, and why all this should go in here I can not understand. There can be no question but what the joint sembly, a body created by the act of Congress of 1866, passed under te Federal Constitution, authorized the election of the United States

Senator by that joint assembly, and a United States Senator wa elected by that joint assembly, so that this vote or this statute of th State permitting a vote of that kind can have no effect as against th federal act or the Federal Constitution. I do not know why thi record should be encumbered by that.

Senator PAYNTER. I would suggest of course it is common knowl edge that Mr. Hopkins was the Republican nominee for Unite States Senator. Why not just admit in the record that that is tru so as not to encumber the record with all these figures?

Judge HANECY. That is my purpose in making the objection.

Senator PAYNTER. I think that would answer all the purposes c counsel on the other side.

Mr. AUSTRIAN. If permitted, I would like to do that, Mr. Chai man, and to show that Mr. Lorimer was not a candidate at th primary election.

Judge HANECY. The admission should be that Mr. Foss, Mr. Ho kins, and William E. Mason, and possibly some others were candidat at that primary election, at that so-called direct primary.

Mr. AUSTRIAN. There were only four Republicans, William Webster, George Edmund Foss, William E. Mason, and Albert Hopkins.

Senator BURROWS. They were candidates in the primaries?

Mr. AUSTRIAN. On the Republican ticket; yes, sir. That ma go in lieu of a certified copy?

Senator BURROWS. I beg pardon?

Mr. AUSTRIAN. Will that be submitted to you in lieu of a copy?

Senator BURROWS. Yes. That will not cumber the record so muc

Mr. AUSTRIAN. I desire to offer in evidence a certified copy as the members of the joint assembly; that is, the house and senate the State of Illinois in the forty-sixth general assembly. That essential because we must show that the various men whose nam will be mentioned here were members of the house or senate body.

Judge HANECY. That is shown by your record here—the offici record.

Mr. AUSTRIAN. This is the official record, certified to by the seci tary of state. Counsel refers to the large volume and it would ta more time to handle it in that way in getting it into the record.

Senator BURROWS. Is there any objection?

Judge HANECY. I do not know; I have not seen it. It may accurate and it may be not.

Senator BURROWS. Will you examine it?

Judge HANECY. I could not tell; there are 204 of the joint assemb and all are elected.

Mr. AUSTRIAN. Let it be understood, if it is not accurate it c be made so later. I only have the secretary of state's certificate.

Judge HANECY. The journals are here, and they are official.

Mr. AUSTRIAN. We did not want to take time to read that p of it and go through the whole volume.

Judge HANECY. But the committee have already asked that agree upon it, and I agreed that we would agree; therefore, I do see the necessity of encumbering the record by these things.

Mr. AUSTRIAN. We have got to have the names of the memb of both houses, because they will be referred to repeatedly.

Judge HANECY. They are in the official record.

Mr. AUSTRIAN. This is more official than that is.
Judge HANECY. That is more official than this because it is established by law as the official record of both houses.
Mr. AUSTRIAN. There is no objection to that. We will agree as to the names of the members of both houses should be in this record.
Judge HANECY. They are in here.
Mr. AUSTRIAN. They have not been put in evidence.
Senator BURROWS. They are in, are they not?
Judge HANECY. We have agreed to it already.
Mr. AUSTRIAN. Then I will withdraw the offer for the time being, and if we do not agree I will put them in later.
Senator BURROWS. They are withdrawn then, for the time being.
Mr. AUSTRIAN. We will offer now, if the chairman please, and the committee, the vote of each house; that is, the vote of the senate, and the vote of the house on January 19, 1909. The vote of the house is found in the house journal, page 68.
Senator BURROWS. Haven't you already made that offer?
Mr. AUSTRIAN. No, sir.
Judge HANECY. That is already in.
Senator BURROWS. That is as I understand it.
Judge HANECY. That is, the house journal and the senate journal contains all that; that is why I did not consider it necessary from the start of it.
Mr. AUSTRIAN. What do you mean, when it was offered in evidence? Do you consider this is now in evidence?
Judge HANECY. I consider that you and I have agreed at the request of the committee that we will agree that the official record provided by law shall be offered here, and shall be evidence in this case of every vote that was taken from the beginning to the end. The committee has asked us to do that and you and I said we would do that.
Mr. AUSTRIAN. When will you do it?
Judge HANECY. I said this morning that you and I hadn't got together but we would do it, and I assume and expect we will do that hereafter.
Mr. AUSTRIAN. Then we may consider that in?
Judge HANECY. We may consider that in and if necessary the two full journals shall go in.
Mr. AUSTRIAN. I ask the committee that Charles A. White be called as a witness.

CHARLES A. WHITE, being sworn as a witness in said investigation, and duly sworn by the chairman, testified as follows:

Examined by Mr. AUSTRIAN:

Q. Mr. White will you state to the committee your name, age, residence, and occupation?—A. My name is Charles A. White, my residence O'Fallon, Ill, my age is 29 years.
Q. What is your business?—A. I am not occupied at anything at the present time.
Q. Are you a member of the forty-sixth general assembly of the State of Illinois?—A. Yes. sir.
Q. When were you elected?—A. November 3, 1908.
Q. Prior to your election what was your business?—A. I was conductor on the street railway—interurban railway.

Senator BURROWS. Speak a little louder, please.

A. Yes, sir.

Q. Whereabouts?—A. At East St. Louis, Ill.; I was with the company that operated at East St. Louis.

Q. Any other occupation immediately prior to your election to the forty-sixth general assembly?—A. No, sir.

Q. Were you ever employed by the labor bodies to be at Springfield, Ill.?—A. Yes, sir.

Q. Springfield is the place in Illinois where the legislature meets is it not?—A. Yes, sir.

Q. What time did you spend in Springfield, Ill., and doing what?—A. I was there during the session of 1907; I was state legislative representative of the Street Electric Railway Employees of Illinois.

Q. After you had been elected, you were elected as a member of the house, were you not?—A. Yes, sir.

Q. There being two bodies, the house and the senate?—A. The house and the senate; yes.

Q. State to the committee how many members there are in the houses—how many in the senate.—A. One hundred and fifty-three members of the house and 51 in the senate.

Q. After you were elected as a member of the house, did you become acquainted with Lee O'Neil Browne?—A. Yes, sir.

Q. Who was Lee O'Neil Browne?—A. He was the minority leader in the forty-sixth general assembly of the house.

Q. On what side?—A. The Democratic side.

Q. Were you a Republican or a Democrat?—A. Democrat.

Q. What, if any, communication did you have with Lee O'Neil Browne immediately after or shortly after your election to the forty-sixth general assembly?—A. Well, there were a number of communications; the first one, I believe, was congratulating me upon my election and notifying me that he was a candidate for minority leader I think that was the first one, if I am not mistaken.

Q. That was on or about the 7th of November, was it not, 1908?—A. Yes, sir; if I remember correctly.

Q. When did the house convene in 1909? The forty-sixth general assembly, as you recall it?—A. On January 6.

Q. (Showing witness paper.) Will you look at the letter which I now hand you and tell me if that is the communication that you refer to?—A. This is one of them; yes, sir. I would not be positive about it being the first; I think it is though.

Mr. AUSTRIAN (handing letter to Judge Hanecy). I will show you these two at the same time.

Judge HANECY. What is this, anything except to show——

Mr. AUSTRIAN. To show his efforts to get his support for minority leader.

Judge HANECY. Nothing special in it.

Mr. AUSTRIAN. That is the same thing.

Judge HANECY. How are those material?

Mr. AUSTRIAN. It would show the relation of the parties.

Judge HANECY. Mr. Browne is not a party here.

Mr. AUSTRIAN. When I said the relation of the parties I referred to the relations of Mr. Browne, the man charged with having bribed this member of the legislature. I want to show the relations of the

two members of the house, one a Democratic minority leader and the other a member of the house.

Judge HANECY. They are both members of the house.

Mr. AUSTRIAN. We know that.

Judge HANECY. I didn't know, the way you stated it.

Mr. AUSTRIAN. One a Democratic minority leader and the other a member of the house.

Judge HANECY. I do not know what materiality there is in this, Mr. Chairman and gentlemen.

Mr. AUSTRIAN. Simply to show the relations of the parties, that is all.

Senator BURROWS. Between whom?

Mr. AUSTRIAN. Between Mr. Browne and Mr. White. The Senate Committee on Privileges and Elections have held that it is perfectly competent, that you can even show bribery in the caucus.

Judge HANECY. That is not the question I am raising. When you get to the bribery, that is another question. This is a lot of stuff which, I assume, does not show that nor tend to.

Mr. AUSTRIAN. It tends to show that this man was the minority leader, and the witness in the chair became one of his supporters at that time.

Judge HANECY. He says he was the minority leader; we will admit that, and we will admit that he was a candidate for that position. I have not read the letters, and do not know what is in them. One of them has three pages and the other two pages each.

Mr. AUSTRIAN. They simply show the solicitation of the witness, White, to support him in his minority leadership candidacy.

Senator BURROWS. Mr. Austrian, the witness has already stated that Mr. Browne was the minority leader. These communications shed no additional light on it.

Mr. AUSTRIAN. I will let the witness state the fact in lieu of the letters if you desire, but counsel may object because it is expressed in the letters.

Judge HANECY. I will admit that Mr. White did not know Mr. Browne, and that Mr. Browne did not know Mr. White, until they were elected to that session of the legislature.

Q. Were you solicited by Mr. Browne to support him for minority leader of the house as early as November, 1908?—A. I think I was; yes, sir.

Q. Did you have frequent or a number of meetings with Mr. Browne, together with other Democratic members of the house, looking to his election as minority leader?—A. Yes, sir.

Q. In or about the month of January, 1909?—A. Yes, sir.

Q. Were you one of his supporters in that election?—A. Yes, sir.

Q. Or candidacy?—A. Yes, sir.

Q. Did you at any time have any talk with Lee O'Neil Browne, the same Browne I heretofore referred to, with reference to voting for William Lorimer for the United States Senator?—A. Yes, sir.

Q. When did you have the first talk?—A. On the night of May 24, 1909.

Senator BURROWS. Witness, it is utterly impossible to hear anything you say.

The WITNESS. On the night of May 24, 1909.

Q. Whereabouts?—A. In his room in the St. Nicholas Hotel, Springfield, Ill.

Q. Had you been at Springfield and had Mr. Browne been at Springfield since the opening of that session the greater portion of the time?—A. Yes, sir; on legislative days.

Q. During the days they voted for United States Senator?—A. Yes, sir.

Q. Who was the Democratic candidate for United States Senator?—A. Lawrence B. Stringer.

Q. Prior to your talk with Browne had you or Browne voted for a Republican for United States Senator?—A. I had not; no, sir.

Q. Had Browne, so far as you know?—A. Not to my knowledge.

Q. You say you had a talk with Mr. Browne on the night of the 25th of May?—A. On the night of the 24th of May.

Q. Where and at what time?—A. Well, I couldn't state exactly the time when——

Q. (Interrupting.) Approximately, in the evening, or night, or in the morning?—A. It was in the night, possibly between 10 and 2; I couldn't state exactly what time.

Q. Between your first acquaintance with Mr. Browne, in November or December, 1908, and this May 24, 1909, had you become well acquainted with Mr. Browne?—A. Yes, sir.

Q. Had you seen him both in and out of the House a great deal?—A. Yes, sir.

Q. Will you tell the committee, if you please, what conversation you had with Mr. Browne on this night of May 24, 1909?—A. Mr. Browne asked me if I could vote for a Republican, and I told him that I could. He asked me if I could vote for Mr. Lorimer, and I told him that I could. He told me that was strictly "under my hat;" to say nothing to anyone about it. I told him all right; I would keep it quiet. I asked Mr. Browne if certain other members were going to vote for him, and he said some would and some would not. Mr. Browne told me he wanted me to keep it strictly "under my hat." He said it would not be any chicken feed either. That is about the substance of the conversation that night; that is about the substance of the conversation. There might have been something more he said.

Q. The general assembly had been voting in joint sessions for United States Senator since January 19 or 20, 1909, hadn't they?—A. Yes, sir.

Q. When you asked him whether or not certain Democrat members were going to vote for Lorimer, did you call off the names of the members of the house, or some of the names of the members of the house?—A. I did.

Q. Will you state to the committee what names you called off and what reply Mr. Browne made to your inquiry?—A. I don't know that I can call them all off now exactly, but I remember asking him about some members. The minority was split into two factions at that time, known as the Tibbitt faction and the Browne faction.

Q. They were both Democratic factions?—A. Yes, sir.

Q. You called off the names of some members and to some he answered "Yes" and to others "No?"—A. Yes, sir.

Q. Did you have any subsequent talk with him, prior to the time f the election of Mr. Lorimer, on the 26th?—A. I had a talk with im on the afternoon of May 25.

Q. Mr. Lorimer was elected May 26?—A. Yes, sir.

Q. What talk did you have with Mr. Browne on May 25, 1909?—. I went to his room and asked him—he requested me to come to his oom before I went there, and I had sent word—I didn't send word, I oke to Mr. Giblin, his stenographer, and asked Mr. Giblin what ere was in it, and he told me it looked pretty good to him, and he ent to Mr. Browne——

Judge HANECY. I object to the conversation with somebody else in lation to this.

Mr. AUSTRIAN. This is not important, this particular conversation. will withdraw it.

Judge HANECY. I ask that it be stricken from the record.

Senator BURROWS. It will go out of the record—what Mr. Giblin id.

Q. Mr. White, you remember of seeing Mr. Browne, do you?—A. es, sir.

Q. Where?—A. In his room.

Q. On May 25?—A. Yes, sir.

Q. This was the second talk on this subject you had with them?—. Yes, sir.

Q. Mr. White, did you vote for Mr. Lorimer on May 25?

Senator BURROWS. Where was his room?—A. At the St. Nicholas otel in Springfield.

Q. The first conversation was in the St. Nicholas Hotel at Springld, was it not?—A. Yes, sir.

Q. In Mr. Browne's room?—A. Yes, sir.

Q. Mr. White, when did you first vote for Mr. Lorimer for United tates Senator?—A. May 26, 1909.

Q. Was that the only time you ever did vote for Mr. Lorimer?—. Yes, sir.

Q. And that was the time that Mr. Lorimer received 108 votes, as it not?—A. Yes, sir.

Q. And was declared elected to the United States Senate? [No nswer.]

Q. This talk with Mr. Browne on May 25, 1909—will you kindly etail to the committee what that talk was?—A. I asked Mr. Browne hat I was to receive for voting for Mr. Lorimer; how much I was o get, and he replied by saying: "You are not afraid to trust that o me, are you, old boy?" I told him that I was not afraid to trust to him, but I would like to know. He says, "You will get $1,000 nd it is ready cash too." He implored me to keep it quiet. "He told e he was damned suspicious (I use his exact language) of a little lace above called "Joliet." I told him I would keep it quiet. He sked me to talk to no one about it. Then I asked him how much e were to get from the other source, and he says, "You will get out that much or a little more."

Judge HANECY. I object to that. That will be the principal purose of this prosecution to bring in other matters and slime this roceeding over with something that members of the legislature said n relation to other matters—a jack pot, etc., and I object to their

going in and trying the other members of the legislature or the members of the legislature generally for misconduct in this proceeding

Mr. AUSTRIAN. I am prepared to ask that question, and I have the authorities here, and the law here, and the rulings of the Senate committee, and there is no question but what it is admissible; at any rate, it is a part of this conversation.

Judge HANECY. That matter was thrashed out on the trial of Mr Browne here.

Mr. AUSTRIAN. And they were admitted.

Judge HANECY. No.

Mr. AUSTRIAN. We have the record and that will show that they were admitted there. Counsel said they had read it, but I don't think he has read it. I am not talking about the first trial.

Judge HANECY. You said that they were admitted at the trial of Browne.

Mr. AUSTRIAN. I say they were admitted.

Senator BURROWS. It is not material what was held in some other case. Therefore discussion upon that point is unnecessary.

Mr. AUSTRIAN. May I state the purpose of the testimony before the committee rules?

Senator BURROWS. The chairman does not think it necessary; we think the question is proper.

Judge HANECY. I do not desire to argue anything, Mr. Chairman, after it has been ruled upon, but I would like to suggest reasons, and it seems to me they are conclusive why this should not be heard. Of course, if the committee desires to sit here and hear both sides of all these questions that may come up, all right, but that is a matter to be determined by the committee.

Senator BURROWS. Here is a witness who testifies to a certain offer made to him for his vote. During the course of the statement he was about to state that other considerations were offered.

Judge HANECY. That is why I want to be heard on it. It is clear cut and well defined, and there is no question about what took place between him and Mr. Browne. He said he asked Mr. Browne how much he was to get for voting for Mr. Lorimer for Senator, and he said a thousand dollars and it would be in cash. Then the witness started on to say, "I asked him how much I was to get for the other matter, or from other sources."

Mr. AUSTRIAN. Even if you put it that way, it would be competent "What will I get from the other matters or from other sources?"

Judge HANECY. It is not the Senatorship at all, but something else that they are trying to slime this proceeding over with.

Mr. AUSTRIAN. In the Clark case they permitted them to show evidence of the bribery of a justice of the supreme court of Montana as tending to prove corruption, and the United States Senate ruled it was absolutely competent.

Judge HANECY. That is in a court of law where the rules are strictly adhered to and well established, but does not control here. I suppose that would apply to an investigation by a senatorial or congressional committee or any other investigating committee. The matter that they want to go into is what is called a "jack pot" or something else that is in no way connected with the Senatorship, and is an attempt to slime and to smirch Senator Lorimer by something that took place that has nothing to do with this case.

Mr. AUSTRIAN. That is not the purpose.

Judge HANECY. The purpose is to put it before this committee, and it has nothing to do with the senatorship.

Mr. AUSTRIAN. If I am permitted to state the purpose, I will be pleased to. The evidence will disclose that there were certain Democratic members of the house and senate that entered into a combination in respect to this so-called bribery matter, that is the purpose of it. A senate committee held it was proper in the Clark case.

Judge HANECY. There is no system here, notwithstanding the remarks of Brother Austrian about a "jack pot." I submit that it is unnecessary, because a man is charged with taking a bribe of a thousand dollars for voting for another man for United States Senator to prove that the man committed some other offense. For instance, that he set fire to somebody's building or his own building for the purpose of defrauding some insurance company, or committed murder or some other offense. If that is to be the rule here, then there can be no limit to it. It is not competent and can not be that the other matters had to do with the election of a United States Senator, as Mr. Austrian says, because some man got money for doing other things, and the system he says was so that they could get money for other things, and the other things have no relation whatever to the senatorship. The senate, as a whole, is a separate body created by the Congress of the United States under the Federal Constitution. It is not a legislature. They meet in a separate house, and they never meet in joint assembly except for the election of the United States Senator. That was determined in the Davidson and McCall case, where the question was gone into by the best lawyers in the Senate and in this country. Then the law in that question was tested in the matter of the governorship between Charles S. Deneen, Republican candidate, and Mr. Stevenson, the Democratic candidate, and the only body that could decide that contest for the governorship was the legislature, and that is the law. It is made the law by the federal statute under the Federal Constitution, and there is no other law that can control it. There is not a word in the statutes of Illinois or in the state constitution about the election of United States Senator, and the only body that can elect is the joint assemblage created by the federal statute of 1866.

It can not be contended that he did. When they meet in joint assembly the federal statute provides that they must meet at 2 o'clock, meridian time, wherever it may be, fixing the time, and says that they must take at least one vote each legislative day until a Senator is elected.

They took one vote each day. On a few days they took more, but just as soon as they took that vote and adjourned the senate marched out of the joint assembly to their own room, and they separated and transacted business. Now, will it be contended by anybody, much less a lawyer, that what the members of the house and the senate did in passing legislation in relation to Chicago or Cairo or Galena or Waukegan or some other place during the separate recesses can be grafted onto the proceedings in the general assembly and have the election of a United States Senator and the candidates before that joint assembly who were running for United States Senator charged with what they did? That is just what this means and it does not mean anything else.

Now, if we have got to be smirched by that, why then there is no safety for anybody. All they have to do is to say, "We are going to make charges against those men; the man who went to the legislature was a bad man; he divorced his wife, or he murdered his wife or his child, or something else. Because that is competent to show what he did—I say, rather, that if that is competent to show what he did in the separate assembly rooms or the separate house, why then it is competent to show what he did at the Leland Hotel or to show a consultation that he had at home, to show that he took bribes or did other offenses contrary to the criminal law, and that is what this proceeding is for at this time, and I submit nothing else; and therefore I say it should not come in here.

Senator HEYBURN. As I understand it, you urge no objection to that part of the question, that he was to receive a thousand dollars?

Mr. HANECY. I have no objection to that, Senator.

Senator HEYBURN. Well, now, suppose that in the same conversation——

Mr. HANECY. If in the same conversation he stated that the consideration he was to receive for his vote—in that conversation he stated he was to receive a certain additional sum or additional amount or percentage. Now, would that be equally a part of the consideration for his vote as the thousand dollars, Mr. Senator? If he says, or if this witness should swear here that it was agreed that he was to be paid a thousand dollars for voting for Lorimer and then was to get a cow or a horse in addition to that, that he was to get some other consideration for doing that thing—not something else—then it is competent here. But unless it is then it is not competent here, I submit.

Mr. AUSTRIAN. I would just like to answer what counsel has said, if I may.

Senator BURROWS. Certainly.

Mr. AUSTRIAN. Counsel is mistaken in what the law is in this State, as well as in other States. What the law is has been held by the Senate committee of which Chairman Burrows is a member. The purpose of it is, if you will permit me, Mr. Chairman—and I will not take nearly so long as opposing counsel did—the purpose of it is to show that in that legislative body that there was general corruption, for instance, men tried to bribe other men to do certain things, and corruption was rife at that time. The object of it is this That where you show that there was general corruption and system in voting and for the purpose of purchasing either legislative measures or votes, why that very act is competent evidence as tending to throw light on the others. Why, in the Clark case the charges were that Senator Clark had bought his seat by bribery. There was permitted to be introduced in evidence the attempt to bribe a justice of the supreme court of Montana to decide a case that was then pending before them, against one of the men who had attempted to bribe a member of the legislature to vote for Senator Clark. I think there that they did not connect them with the agents of Senator Clark at all, but they permitted in evidence there the attempts to bribe the members of the supreme court of Montana. Did that have anything to do with bribery so far as Senator Clark was concerned?

In passing upon that the report of the committee was, "A majority of the committee think that the transactions connected with the

judges of the supreme court of Montana needs consideration. Proceedings having been instituted against John B. Welcome for the purpose of securing his disbarment for an attempted bribe in connection with Senator Clark's election." It appears on August 5, 1899, and after a preliminary decision by the supreme court that the court had jurisdiction, one Doctor Trecy approached Mr. Justice William Hunt, one of the three members of the supreme court, being a family physician, bearing a proposition which he said was from a party in town, that Judge Hunt could have $100,000 if the court would dismiss the proceedings against Mr. Welcome, and he advised Judge Hunt to accept the amount. It was this proposition that was made. "Mr. Corbett told him he would come over on a special train, and got Mr. McNiel over the telephone," and in passing upon it they say, "It is contended that you can not charge a man with one crime, and prove that he committed that crime by proving that he did commit another crime. The Constitution provides that the accused must be informed of the charges and the nature of the accusation. No mention of the judges of the supreme court of Montana were made in the charges against Mr. Clark. That evidence was nothing more than what lawyers call coloring matter, and it was admitted over the protest of the Senator of Maryland and others, and in the conduct of this case there was much other coloring matter received as evidence."

Now, that is the theory of it. The theory of it is as laid down in the books, and I have many decisions upon the point, and I am prepared to present them to this subcommittee at any time, to show knowledge, and the nature of the transaction. A former transaction of the same general sort may serve as indicating the understanding of the transaction in question; to show intent, another transaction of that sort may serve to negative good faith. To show the design and former attempt toward the same thing, may be significant. I read from Wigmore on Evidence, which is a standard work: "On a charge of bribery, any of the three general principles are available, knowledge, intent, and design."

It was to this committee—I say to this committee that was part of one transaction. It was part of one conversation that the evidence will disclose, that he is one of the coterie of men who were bribed to vote for Mr. Lorimer, and if that be the case, that part of the coterie of men should all benefit by this same transaction or other matters from other sources.

Whether at that particular agreement, Mr. Browne said to Mr. White, "This shall be for your influence, for the influence exercised by you for voting for Mr. Lorimer," and we might separate it mentally if we desire, and "This is for voting for, and for your influence in voting for other measures; you will get so much more later;" yet the factor remains, whether we separate it mentally or not, yet the fact is that his understanding was, and the only discussion they ever had about this entire transaction was that he was to receive a thousand dollars from the Lorimer source, and as much more from other sources. That was in reply to a direct question, "What am I to get out of it?" and the only subject of conversation at that time between White, if the chairman please, between White and Brown, the minority leader, was with reference to his vote for Lorimer. They were not discussing the so-called "jack pot" or anything else.

Mr. HANECY. May I just suggest a difference between the case cited and the case here. The bribery charged there was with reference to a member of the legislature who had been bribed to vote for Senator Clark, and being punished for his act of voting illegally or corruptly for him, and to get that member of the joint assembly out of his difficulty, they were pursuing the same bribery, the same bribery to effectuate the offense; namely, buying a seat in the United States Senate. That is, the first bribery was of the member, and then when the member was discovered, he was indicted and tried, and his case pending before another official, and so to make that purchased vote effective, that purchased vote for United States Senator effective, they wanted the other official of the judicial department to release or dismiss the proceedings against that corrupt member of the joint assembly. So, I say that it is not parallel with anything here. It is not analogous to any question that is presented here.

The question that is presented here is a different thing entirely. The jack pot. Or something that they got for some other things, but not voting for United States Senator, or to get somebody out of a difficulty that he got into by voting corruptly for United States Senator, is not before the committee. I have no quarrel with the law laid down there. It is the law, but that is not parallel here. It does not have any relation to the conditions here.

Mr. AUSTRIAN. Mr. Chairman, the question put at that time by Senator Faulkner was as follows: The question is not parallel. Here's the question:

> Did any man ever offer you money to vote for any measure there. I am not talking about this bill, but any bill. Were you ever approached with an offer to bribe you?

The answer was:

> Yes, sir; I was approached with a direct bribe once.
> What was it?
> Senator EGLESTONE. It was the house bill 174.

Senator Eglestone was the editor of the Anaconda Standard.

> The CHAIRMAN. You are directing the witness, Mr. Faulkner.

And then said Mr. Faulkner to Mr. Gerger:

> The committee would like to know who were bribed or who were attempting bribery of members of the Montana legislature, because it may throw light upon other transactions.

Now, if the committee pleases, it was a direct ruling in the Clark case.

(Committee confers privately.)

Senator BURROWS. The committee wishes to be excused for a moment.

And thereupon the committee retired to another room to hold a conference, and upon their return the following proceedings were had:

Senator BURROWS. Mr. White, I understood you to say that you were offered a thousand dollars for your vote for Mr. Lorimer for Senator.

A. Yes, sir.

Q. Were you offered any other consideration for your vote for Mr. Lorimer for Senator?

The WITNESS. Mr. Chairman, it may be held that I was offered it in his way: I requested at that time for a further understanding. I had had no understanding up to that time about any of the matters whatever, but I had heard rumors of other matters, and I requested Mr. Brown at that time to tell me or to inform me what I was to receive from other sources, and as I understood it, that was the understanding, that I was to be taken in on the whole matter for voting for Mr. Lorimer. I had not been taken in or informed as to any other matters up to that time. It was through the agreement I entered into with Mr. Browne to vote for Mr. Lorimer that I was offered the other consideration.

Senator HEYBURN. You were offered a thousand dollars if you would vote for him?

A. Yes, sir.

Senator BURROWS. Now, were you offered any other consideration?

A. Yes, sir; I was told I would receive about that much or a little more from the jack pot or other sources later on, and he stated——

Q. For what purposes?—A. Well, he did not state. There was no purpose at all. From other sources, that is all.

Senator HEYBURN. The jack pot was divided among the members of the legislature, I suppose, the legislative members?

A. I presumed so from what I heard.

Senator GAMBLE. That had relation to matters of legislation, had it?

A. I could not say. I don't know for what purposes the money was raised or from what sources it came.

Senator HEYBURN. Were you to share in the jack pot except in the event you voted for Mr. Lorimer?

A. I had not heard of it before, Mr. Senator. Well, I had heard that there was money raised, but I had not been informed or taken in on any such proposition.

Q. For what purposes had money been raised that you heard of?—A. I was told by certain members that had been there before that there was a split up at the end of the session and that there had been an established precedent.

Q. For what purposes?—A. Well, sir, I don't know except for the wrangling of legislation or killing of legislation or the passing of legislation—I don't know. That was the understanding, and Mr. Brown did not tell me from what source the money came, and we did not discuss that phase of the question whatever.

Q. Who distributed the jack pot?—A. Sir?

Q. Who distributed the jack pot?—A. I received my money from Mr. Wilson.

Q. Who is Mr. Wilson?—A. A member of the legislature.

Mr. HANECY. May I suggest to ask Mr. White this question: Whether the jack pot covered both houses, or whether the jack pot referred to related to the vote for passing bills or for killing bills in the house alone, and not to the joint assembly?

Senator BURROWS. What do you say to that, Mr. White?

A. Well, I could not even say that it was used to kill bills, or to pass legislation, because I have no knowledge of any individual bill or any matter that money was put up for.

Mr. HANECY. What I mean is, if the committee will permit me, is this: The jack pot you referred to is the jack pot in the house, and not the jack pot in the senate?

A. I don't know of any jack pot in the senate, and that is the only information I had of the jack pot in the house for that session. I heard of it previous.

Mr. O'DONNELL. A previous session?

A. Yes.

Mr. HANECY. It was for both houses, that you refer to?

A. Yes.

Q. Certainly.—A. That is my—I don't know from what other sources it came or anything else. I merely asked Mr. Brown what I would receive from the other sources.

Senator HEYBURN. By that was meant the jack pot, so-called?

A. Yes; the so-called jack pot.

Senator GAMBLE. You had heard of the jack pot prior to the 24th or 25th of May, 1909?

A. Not the jack pot of this session. I have heard of jack pots in the previous session, but I asked Mr. Brown about it, and he was the first man I did ask about the jack pot in this session or "other sources," and I asked him at the time he approached me upon the question of voting for Mr. Lorimer and had offered me money to do so, made me an offer, when he did make me an offer, I asked him about the jack pot and "the other sources," and that went in as part of the agreement.

Senator BURROWS. That was the fund that was devoted to the matters of legislation.

A. Well, it was generally understood, but I did not know of any legislation it had been put up for or anything of that sort. I had heard afterwards that there were bills—I had heard afterwards of bills that money had been put up for, and that the governor had vetoed, and so on.

Senator BURROWS. Do you know if this jack pot fund was raised for the purpose of controlling the election of a Senator?

A. No, sir; I don't know that.

Q. Do you know whether any portion of it was set apart or devoted to that purpose?—A. Well, I could not say that, except I was offered $1,000 to vote——

Q. You were offered $1,000 in cash?—A. Yes; I was to receive that, and was told that I was to receive that much or a little more later on from the other sources.

Q. Later on about other matters, did you say?

Mr. AUSTRIAN. No: "from other sources," he said.

Senator BURROWS. Yes; from other sources.

Mr. HANECY. And you were told—if I may be permitted to ask the question—that he was told he would not get any of that until three months or more after the session had closed?

A. That is correct.

Mr. AUSTRIAN. Three months?

Mr. HANECY. Yes.

The WITNESS. I was told it would not be distributed until about three months after the session closed; but when Mr. Brown paid me the money here in Chicago on the 16th or 17th of June, 1909, he to

e at that time that he would be in St. Louis on the 15th of July to ve me about that much or a little more.

Senator GAMBLE. Did you consider the promise of a share in the ck pot as a part of the sum that you were to receive to vote for orimer, and did you vote because of that promise?

A. Well, it was a part of the entire agreement, Mr. Senator, but do not know that I can say that I considered it a part of the thou- nd dollars, because the thousand dollars was offered specifically, id there was uncertainty as to the other amount, except as "as much maybe a little more," but that was a part of the agreement which, other words, influenced my vote for Senator Lorimer.

Senator GAMBLE. Did you agree to vote for Senator Lorimer for e thousand dollars that was promised you?

A. I told him after he said there would be a thousand dollars— fore I left his room he asked me if he could depend upon me, and I ld him he could, that I would vote for him.

Mr. HANECY. You testified at the first trial that you would have ted for Senator Lorimer on the day you did vote for him for $5 or 0, didn't you?

Mr. AUSTRIAN. I object.

Mr. HANECY. We have the record here.

Senator GAMBLE. Mr. White, after you had agreed to vote for r. Lorimer for the $1,000, if I understand the effect of your testi- ony, then you were curious to know what interest you had in the -called "jack pot;" is that a fact?

A. Well, I wanted to know, Senator, if I may answer it this way, wanted to know if there was a jack pot in the first place at that ssion, and if there was I wanted to know if I was to participate it. I wanted to have that information in connection with the her.

Senator GAMBLE. So that, connected with the promise of the ousand dollars which you were to receive for voting for Senator orimer, was this jack pot, or were you simply making that inquiry satisfy your curiosity as to the jack pot? Had that an influence on you in voting for Senator Lorimer, or was it a part of the omise to vote for Senator Lorimer?

A. I had drawn no conclusion to that effect at that time.

Senator BURROWS. You would have voted for Senator Lorimer r the thousand dollars, would you, without any jack-pot fund?

A. I might have.

Q. You know whether you would or not. What was the state of ur mind at that time?—A. I acknowledge I would have done it.

Senator HEYBURN. Didn't you agree to do it before there was any lk about a jack pot, and after the thousand dollars was offered to u didn't you agree to vote for Mr. Lorimer, and the jack-pot ques- on came in afterwards?

A. The agreement was not closed, Mr. Senator, until——

Q. Didn't you agree, after the offer of the thousand dollars was ade to you—didn't you accept that, and then, some time afterwards, u asked the question, as you stated a moment ago, just as a matter curiosity, just to know where you were coming in on the other atter?—A. The conversation, Mr. Senator, was not closed with e understanding on that one question of $1,000, because the con- rsation continued there.

Q. Didn't you agree at the end of the thousand-dollar offer to vote for Lorimer, and didn't the conversation in regard to Joliet and all of that business come in before there was any talk of the jack pot, as according to the stenographer's notes?—A. I don't recall just whether——

Senator BURROWS. Let the stenographer read the witness's testimony already given.

The WITNESS. It may have been at that conversation; I don't remember verbatim the words——

Mr. HANECY. May I suggest that the witness be asked if he did not know that the jack pot was made up of money which was paid in by other people who wanted legislation or who wanted legislation killed? That would probably clear up the atmosphere.

The WITNESS. I did understand that at previous times, but that I did not know at that time.

Senator BURROWS. Was it confined to the house?—A. That is as far as my knowledge of the matter went the previous session.

Mr. HANECY. It was confined to the house as far as he was concerned.

The WITNESS. As far as my knowledge.

Senator BURROWS. Now, Mr. Stenographer, if you will please read the first question in regard to that conversation——

Mr. AUSTRIAN. The conversation of May 25.

Mr. HANECY. On May 24.

Mr. AUSTRIAN. The 25th.

Senator BURROWS. Let the stenographer read it.

(The stenographer thereupon read from Mr. White's testimony as follows:)

This talk with Mr. Browne on May 25, 1909, will you kindly detail to the committee what that talk was

A. I asked Mr. Browne what I was going to receive for voting for Mr. Lorimer—how much I was going to get—and he replied, "You are not afraid to trust that to me, are you, old boy?" I told him that I was not afraid to trust it to him, but I would like to know. He says, "You will get $1,000, and it is ready cash, too." He implored me to keep it quiet. He told me he was damned suspicious (I use his exact language) of a little place above, called "Joliet." I told him I would keep it quiet. He asked me to talk to no one about it. Then I asked him how much we were to get from the other source, and he says, "You will get about that much or a little more."

Senator GAMBLE. What do you mean by that expression, "Get as much"—for what purposes were you to get as much from other sources?

A. I made that remark as the result of a conversation that I had had with one of the older members that had been there at sessions previous to that, and he had told me that there had been money at the close of sessions previous to this session here. But I had heard nothing of money being raised in this session and I wanted to know at that time about it. I wanted the information at that time.

Senator GAMBLE. You do not mean, then, by your answer as to how much more you were to get for voting for Mr. Lorimer, you did not mean by your inquiry how much more you were to get for voting for Mr. Lorimer, did you?—A. I could not say that. It was part of the agreement; that was all the entire agreement.

Senator JOHNSTON. Did you suppose that Mr. Hopkins, or his friends, or Mr. Springer, or Mr. Lorimer, or friends of them had

ıade a contribution to the jack pot for the purpose of buying members of the legislature to vote——A. I don't know where it came from.

Q. Did you suppose it had been done?—A. No, sir; I didn't suppose that was done.

Q. You hardly thought, did you, that Mr. Hopkins would make a ontribution or Mr. Springer——

Mr. HANECY. And Mr. Foss and Mr. Mason?—A. No.

Senator JOHNSTON. They are the names?

Mr. HANECY. Yes; and Mr. Webster.

The WITNESS. I heard nothing relative to that, the raising of ıoney at all.

Senator BURROWS. The committee will let this testimony, as stated y the witness, stand for the present. Have you any further questons, Mr. Austrian?

Mr. AUSTRIAN. Oh, yes. I have not nearly finished the examinaon yet. There are other questions of this witness; that is the uestion you asked, I believe.

Senator BURROWS. Yes; have you any further questions to ask this itness?

Mr. AUSTRIAN. Oh, yes; many. I will prove the payment of the ıoney.

Mr. HANECY. Mr. Chairman and gentlemen, may I keep the records raight by moving now to exclude all of this evidence in relation to ıe jack pot, so that the committee may pass upon it properly later, nd I will not be foreclosed upon it.

Senator BURROWS. Yes; we are very glad you made the suggestion. et it be entered of record, and we will decide that question when we ach it.

Mr. HANECY. I think, Mr. Chairman and gentlemen, that all of ıe testimony of this witness, in relation to the so-called jack pot ıould be excluded or stricken out of this record, and I therefore ıove that it be stricken out.

Senator BURROWS. You have made the record on that now. The ɔmmittee will take that under consideration, Judge Hanecy. Now, ın you proceed with another line, Mr. Austrian?

Mr. AUSTRIAN. Certainly, certainly.

Mr. AUSTRIAN. After this talk on the evening of May 25, 1909—ell, I will withdraw that question. Mr. White, have you given the ıtire conversation you had that night in Lee O'Neill Browne's room, lay 25, 1909?

A. Well, I don't think it is the entire conversation, no.

Q. Well, in substance I mean?—A. In substance, yes.

Q. Pertaining to this matter?—A. Yes, sir.

Q. Mr. White, what took place on the floor of the joint session of ıe two houses on May 26, 1909?—A. The election of Mr. Lorimer s Senator of the United States.

Q. Were you notified that it would come off on that ballot on May ', 1909?—A. Yes; Mr. Browne came over to me and told me: "This ɔmes off on the first ballot," and asked me not to forget, and I told im, "All right," and I heard him tell some other members in the ar of my seat, but I didn't look around at all, but he told them the ıme thing.

Mr. AUSTRIAN. Prior to that time, Mr. White, had any Democratic members of the house or joint assembly voted for Mr. William Lorimer, if you know?

A. Not to my knowledge.

Q. Was there more than one ballot taken on that day, May 26, 1909?—A. Pardon me, just a moment, did you ask me did any Republican, or rather did they vote for any Republican or just Mr. Lorimer?

Q. Mr. Lorimer?—A. No.

Q. I said prior to the vote of May 26, 1909, had any Democratic member voted for Mr. Lorimer?—A. Not to my knowledge.

Senator BURROWS. That leads me to make a suggestion. Can counsel agree as to the political affiliation of the members of the joint assembly?

Mr. HANECY. Yes.

Mr. AUSTRIAN. That is shown in the senate and house journal.

Senator BURROWS. Oh, it is shown?

Mr. HANECY. If it is not clearly shown then we will agree upon it.

Senator BURROWS. You will do so.

Mr. HANECY. Yes.

Mr. AUSTRIAN. Well, each member of each house is shown whether he is Republican or Democrat.

Q. Mr. White, when after May 26, 1909, if you recall the date, did the house adjourn, the house of representatives, I mean, approximately the date?—A. Well, I could not recall the exact date; it was along in June; I think it was the 1st of June.

Q. It was in the first part of June?—A. Yes.

Mr. HANECY. June 4.

Mr. AUSTRIAN. Did you, after the adjournment of the house, write any letters to Lee O'Neill Browne?—A. Yes.

Q. Did you, after the adjournment of the house, receive any letters from Lee O'Neill Browne?—A. Yes, sir.

Q. Did you meet Lee O'Neill Browne in the city of Chicago thereafter?—A. Yes, sir.

Q. After your vote for William Lorimer on the 26th of May, 1909, did you receive any part of the money promised you by Lee O'Neill Browne?—A. Yes, sir.

Q. Where first and when first?—A. I received $100 in Springfield, Ill.

Q. On or about what date?—A. That was at the close of the session, or possibly a week before that; then I received $900 in the Briggs House, in the city of Chicago.

Q. Was that one or two payments in the city of Chicago?—A. Two payments. I received $50 on the night before the morning that I received the $850.

Q. Look at the letter which I now show you, dated June 9, 1909, and state whether or not you received that letter from Mr. Browne.—A. Yes, sir.

Q. Look at the letter which I now show you, dated June 13, 1909, and state whether or not you received that communication from Lee O'Neill Browne.—A. Yes, sir.

(The letters last above referred to were handed to Mr. Hanecy.)

Senator HEYBURN. I think these letters had better be offered in evidence or identified and marked by the official stenographer before they get mixed up.

Senator BURROWS. Yes.

Mr. AUSTRIAN. Yes, Mr. Senator, we shall.

Senator HEYBURN. These should be identified in the order they are offered.

Mr. AUSTRIAN. Counsel may object to them.

Senator HEYBURN. Even if he does object, they should be marked for identification.

Mr. AUSTRIAN. Very well.

Mr. HANECY. Those letters are all right.

Mr. AUSTRIAN. Mark them Exhibits 1 and 2.

Senator BURROWS. Mark the exhibits offered by one side with figures and the exhibits offered by the other side with letters, and then there will be no confusion.

Mr. AUSTRIAN. Well, we will do so.

Senator BURROWS. Have you any objection, Judge Hanecy?

Mr. HANECY. No; I have no objection.

Mr. AUSTRIAN. The letter of June 9 is dated at Ottawa, Ill., June 9, 1909. Where did Mr. Browne live? His home, I mean.

A. Ottawa, Ill., as I knew him.

(Which two said letters were marked Exhibits 1 and 2, respectively, were read by Mr. Austrian, and are in the words and figures following, to wit:)

[Exhibit 1.—People's Exhibit 4 B. B.—On letter head of forty-fifth general assembly.]

OTTAWA, ILL., *June 9, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

MY DEAR CHARLIE: I did not get home until the night of Monday, June 7, when I found your letter awaiting me. I wish you had spoken to me of the matters contained in your letter before we left Springfield. It would have been comparatively easy for me at that time to have advised with you personally and properly. It is far from difficult now, and I would hardly know what to say to you without seeing you personally. In any event, unless you would care to see me before that time by coming here or meeting me in Chicago, I expect to see you and have a visit with you some time within the next two weeks. I shall be only too glad to advise with you along the line of the matters referred to, and suggest anything that may be appropriate and proper. You know where I stand, old man, and that I will go my length for you. Should you find it necessary to see me before the end of the next two weeks, you had better arrange to come to Chicago and meet me there. However, as matters stand, and in the way that I am tied up with business matters now, I would prefer to put off the meeting for the length of time I have stated. I want you to feel and realize that I am as good a friend as you have in the world, and that I am not only willing but ready to do anything in my power for you at any time. My best regards to you.

Very sincerely, your friend, LEE O'NEILL BROWNE.

[Exhibit 2.—People's Exhibit 5 B. B.—Written on letter head of forty-sixth general assembly.]

OTTAWA, ILL., *June 13, 9109.*

FRIEND CHARLES: Your letter did not reach me till too late to do any good. I was in Chicago, but could not have remained longer had I got your letter. Got home here this evening and am due in court to-morrow a. m. But Charlie, I will be in Chicago Tuesday or Wednesday and (this is under your hat, though, for I do not want to be bothered by every job hunter in Chicago). If you can wait I'll do my best to see you. I'll be at the Briggs when there.

In haste, BROWNE.

Mr. AUSTRIAN. One of them is written upon the typewriter and signed by Lee O'Neill Browne and the other is in longhand. The letter of June 13, 1909, in whose hand writing is that, Mr. White?

A. Mr. Browne's.

Q. And signed by him?—A. Yes, sir.

Q. Did Mr. Browne reach you; did Mr. Browne meet you in the city of Chicago the following Tuesday or Wednesday, Mr. White?—A. He met me here after the receiving of that letter. I don't know the exact date that Tuesday or Wednesday falls upon.

Q. Assuming that the 13th of June falls on Sunday and the 14th of June on Monday and the 15th of June on Tuesday, what day would you say he met you in the city of Chicago?—A. Well, I think he met me here on the 16th, if I am not mistaken.

Q. The 16th?—A. Yes; according to the records I have.

Q. If I have stated this accurately, that would be Wednesday, wouldn't it?—A. Yes, I think so.

Q. Mr. White, state what took place between you and Lee O'Neill Browne, what conversations you had with reference to this subject-matter when he met you in Chicago on Wednesday, June 16, if Wednesday fell on June 16—what took place between you?—A. We had a little talk before we went to his room. I met him in the lobby of the hotel.

Senator BURROWS. What hotel?

A. In the Briggs House, in Chicago.

Mr. AUSTRIAN. In Chicago?

A. Yes; and we went to his room; he invited me to go to his room and our conversation at first was along the lines of some entertainment for the evening, possibly a theater or something like that, and finally he decided to stay in the evening, and he asked me if I had any money, and I told him I didn't have very much money, that I had a few dollars in my pocket.

Senator BURROWS. We can not hear you.

A. I stated that I had a few dollars in my pocket and he gave me $50. He took the $50 from his pocket and gave it to me and told me to come to his room the next morning and he would give me the remainder of the Lorimer money. He told me not to go out and spend the $50 that night. I went to his room the next morning and he gave me the $850, counted it out in seventeen $50 bills, and told me that was my Lorimer money. That is about the substance of the entire conversation. It drifted along on various lines. He told me at that time—he cautioned me at that time to be careful about spending the money when I got back to my home district, as to the $50 bills; and he told me that about the 15th of July there would be about that much or a little more for me.

Mr. AUSTRIAN. What was that last statement?

A. After he gave me the $850 he cautioned me about being careful in spending the $50 bills over saloon counters and different places where it might create suspicion, and that about the 15th of July there would be about that much or maybe a little more for me.

Mr. HANECY. Now, if the chairman please, I move that be stricken out so as to keep the record. That is the jack-pot question.

A. He told me at that time——

Senator BURROWS. Wait a moment, Mr. Witness. You renew your motion to strike out?

Mr. HANECY. Yes; I renew my motion to strike out, not only in iew of what he said before but what he has just said twice, when he ;ot the $50 and then the $850.

Senator BURROWS. Your motion will be entered and considered vith the other question on the same point.

Mr. HANECY. That was the balance of the Lorimer money.

Mr. AUSTRIAN. May it please the committee, I would like to read o you just a paragraph of what Senator Hoar said on this very ubject.

Senator HEYBURN. We will defer that.

Mr. AUSTRIAN. It is with reference to the practice and you will nd it on page 8.

Senator BURROWS. We are very familiar with the record of the 'ommittee on Privileges and Elections.

Mr. AUSTRIAN. It is de bene esse; the committee hears the testi- ıony and they consider what is competent and they diregard what ; incompetent. It is not like a case before a jury.

Mr. HANECY. I do not want to be understood——

Senator BURROWS. We do not want to cumber the record.

Mr. AUSTRIAN. I am trying to be very brief, and I am jumping ver a great many things.

Senator BURROWS. Very well; proceed.

Mr. AUSTRIAN. Did Mr. Browne at that time say anything about oing to any other place—just to draw your attention to it?

A. I was just preparing to answer that question. He said that he ould be in St. Louis in a few days to give the southern Illinois ıembers their Lorimer money, and I requested him to let me know hen he was down there and I would come to St. Louis and see him, ut he did not let me know when he was down there, and I never new when he reached there. That is about the substance of the onversation relative to that. There was some talk of other matters ıere.

Mr. AUSTRIAN. What took place, if anything, with reference to ny money paid you at Springfield—the $100 that you have spoken bout?

A. He gave me a $100 bill at first, and I took the money to my oom, and there were some blue-pencil marks on it, and so I took the ill back to Mr. Browne and I asked him if the bill was marked, and e told me—well, he asked me to hand him the bill, and I did hand im the bill, and he took the bill to the cashier's desk in the St. Nicholas Hotel and had it changed, and then I walked with him from he St. Nicholas Hotel over to the office of the Illinois Traction Com- ıany and he gave me the money on the way over there, in smaller enominations than the $100.

Q. Mr. White, on or about the 14th day of July, 1909, did you eceive a telegram, or did you receive the telegram which I now show ou, dated July 14, 1909, and which I have just had marked "Exhibit " for identification?

Mr. HANECY. What is the date of it, Mr. Austrian?

Mr. AUSTRIAN. July 14, 1909. Let the witness answer whether or ot he received it, and then I will hand it to you, Judge Hanecy.—A. Yes, sir; I received that.

Senator BURROWS. A little louder. We can not hear you.—A. I ay yes; I received it.

Mr. HANECY (after examining telegram). I have no objection to it.

Mr. AUSTRIAN. It is as follows (reading):

[Exhibit 3, 9–25–10.]

[On the telegram blank of the Western Union Telegraph Company.]

No. A. Sent by R. S. Rec'd by D. 19 Paid X.
Received at 3.35 p. m., July 14, 1909. Dated Chicago, Ill.

To Hon CHAS. WHITE, O'Fallon, Ill.:

Meet me to-morrow forenoon without fail at Southern Hotel, St. Louis. Wire me answer at once, care Briggs House, Chicago.

ROBT. E. WILSON.

Mr. AUSTRIAN. Who was Robert E. Wilson?—A. He was a representative, a Democratic representative from Chicago.

Q. Did you meet Robert E. Wilson at St. Louis at the Southern Hotel after the receipt of that telegram?—A. Yes, sir.

Senator BURROWS. Was he a member of the senate or the house?

Mr. AUSTRIAN. The house.

Q. Democratic member of the house, wasn't he?—A. Yes, sir.

Q. Where did you meet him and when?—A. I met him the very following morning, July 15, 1909, in the Southern Hotel.

Q. Pursuant to that request, did you?—A. Yes, sir.

Q. Did you receive a letter from Mr. Browne, dated at Ottawa, Ill., July 16, which I now show you, being Exhibit 4. Did you receive that letter?—A. Yes, sir.

Mr. HANECY. We have no objection to it.

Mr. AUSTRIAN. That is signed by Mr. Browne?—A. Yes, sir.

(Which said letter last above referred to, marked "Exhibit 9–25–10," was read by Mr. Austrian, and the same is in the words and figures following, to wit:)

[Exhibit 4.]

[Letterhead of forty-sixth general assembly, State of Illinois, house of representatives

OTTAWA, ILL., *July 16, 1909.*

Hon. CHARLES A. WHITE, *O'Fannon, Ill.*

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter. You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do. I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis. I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning and have had a pretty serious time of it. I did not dare to attempt the trip. I hope everything is all right with you and satisfactory and that you are happy and fairly prosperous. I hope before very long to be able to meet you either in St. Louis or Chicago and talk over old times. I think you and I have got one real good visit coming. Let me hear from you when you get time and the spirit moves you.

Very sincerely, your friend,

LEE O'NEIL BROWNE.

Mr. AUSTRIAN. Mr. White, when you went to St. Louis on July 15, 1909, in response to the telegram sent to you by Mr. Wilson, what else did you meet there—I mean connected with the legislature?—A. Mr. Austrian, I would not say but the telegram was sent by Mr. Wilson. I received it as signed by him.

Q. Well, the telegram marked "Wilson" or signed "Wilson" is what I mean.—A. Upon entering the lobby of the Southern Hotel

vell, before I reached the Southern Hotel, on the way down, I met Representative Beckemeyer on Broadway, at the corner of——

Mr. HANECY. I object. If the chairman and the committee please, his is the jack-pot question.

Senator GAMBLE. He simply testifies that he met him.

Mr. AUSTRIAN. Did Representative Beckemeyer live in St. Louis?—A. No, sir.

Q. Where did he live?—A. Carlyle, Ill.

Q. Who else, if you please?—A. Well, I met Representative Beckemeyer at the corner of Broadway and Olive street. I met, upon reaching the hotel, when I entered the lobby, I met Representative Joseph Clark.

Q. Where does he live?—A. He lives at Vandalia, Ill.

Q. Was he a Democratic member of the house?—A. Yes, sir.

Q. Who else?—A. I met Representative Charlie Luke?

Q. Where did he live?—A. He lived in Nashville, Ill. I met Representative Harry Sheppard.

Q. Is that Sheppard not Mr. Henry A. Sheppard?—A. Henry A., I presume, is right.

Q. Was he a Democratic member of the house?—A. Yes, sir.

Q. Where did he live?—A. Jerseyville, Ill. Shortly afterward I met Representative Robert E. Wilson, Representative Michael Link, in Mr. Wilson's room.

Q. At the Southern Hotel?—A. Yes.

Q. Was Michael Link a Democratic representative?—A. Yes, sir.

Q. A member of the house?—A. Yes, sir.

Q. Where did he live?—A. Mitchell, Ill., on a farm near Mitchell.

Q. Robert E. Wilson was a Democratic member of the house from Chicago, was he not?—A. Yes, sir.

Q. State what took place when you met Mr. Wilson, when you met him in the Southern Hotel that date.

Mr. HANECY. If the chairman please, that is the jack-pot question, and I object.

Senator BURROWS. That does not yet appear.

Mr. HANECY. They will admit it, and there is no question about it.

Mr. AUSTRIAN. I will admit that he got the $900 from Robert E. Wilson in the bath room of that hotel that day, and it is the $900 he referred to in the conversation that he had with Lee O'Neil Browne.

Mr. HANECY. Well it is the same jack-pot question. He testified he got all of his Lorimer money. He testified that he was paid $50 here in Chicago, that he got $50 here in Chicago, and he testified that he got $850 the next day, and he said that it was the balance of the Lorimer money. It is conceded now that this is the jack-pot, and unless we are investigating here merely for notoriety, or to go into matters not involved or connected with the matter merely for newspaper notoriety or some other purpose, it seems to me it is not proper to go into it.

Senator GAMBLE. It discloses what this refers to. Isn't your objection a little premature unless it is conceded?

Mr. HANECY. It is conceded.

Senator BURROWS. The chair does not so understand.

Mr. AUSTRIAN. I do not concede it. All that I conceded is that Robert E. Wilson paid him $900 and that is the same $900 that, in

my opinion, was referred to in the talk he had with Browne when Browne said, "You will get $1,000 now and $900 later from other sources." That is all one conversation.

Mr. HANECY. Well, this is the jack-pot question.

Mr. AUSTRIAN. I do not call it a jack pot. It doesn't make any difference what you may call it. The agreement was made that he was to get $1,000 now and $900 later on from other sources. He says that was the agreement.

Senator BURROWS. Judge Hanecy, you are asking what he testified to, be stricken out.

Judge HANECY. Right this morning.

Senator BURROWS. What part of the testimony?

Mr. AUSTRIAN. Just a minute, please.

Judge HANECY. I am objecting.

Senator BURROWS. Where was that testified to by Mr. White, if you remember, Mr. Austrian?

Mr. AUSTRIAN. Some time this morning.

Senator BURROWS. What part of the testimony?

Mr. AUSTRIAN. I can have my reporter, Mr. Eulass, turn to it in a moment.

Senator BURROWS. I don't recall there was any such testimony offered.

Mr. AUSTRIAN. Senator, you will find it that way.

The WITNESS. The specific amount was not mentioned.

Mr. AUSTRIAN. Well, he said about the same amount from other sources.

Senator BURROWS. You mentioned a specific amount.

Mr. AUSTRIAN. I referred to the agreement that was made.

Senator HEYBURN. Well, we refer now to the conversation of Lee O'Neil Browne that the witness alluded to, and in reference to which we held a discussion in the early part of the day, and I do not think that there was any $900 mentioned as you say, Mr. Austrian.

Mr. AUSTRIAN. Well, he said, "About the same amount."

Senator HEYBURN. Well, it is right there; we have had the stenographer read it three or four times.

Mr. AUSTRIAN. I did not know that you referred to the amount, the specific amount, Senator. I thought you refered to my use of the word "agreement."

Senator HEYBURN. No; I referred to the amount you stated—$900. It might have been $900 or it might have been $600.

Mr. AUSTRIAN. Oh, I am frank to admit that Mr. Browne didn't say "$900." He said, "About the same amount later on."

Judge HANECY. It seems to me, Mr. Chairman and gentlemen, that there is no proper legal way that this could be gone into by an investigation nor any other way, in view of all of the testimony of this witness, before the committee retired to confer on the objections made as to the admissibility of the testimony, and in view of the direct testimony of this witness later, which is as plain and specific as the English language can make it——

Mr. AUSTRIAN. It seems to me—I beg your pardon——

Judge HANECY. He said that he was paid the balance of the Lorimer money in Chicago on the 16th of the month. Now, the payment of other money for whatever purposes or conversations, or the trans

ctions in St. Louis at a later date for whatever purpose, can have o relation to or bearing upon the question that is now presented here efore this committee for investigation—namely, the bribery or cor- ipt practices in the election of Senator Lorimer.

This witness himself has fixed it, and there is no possible way from hich it can be fairly inferred by anybody that he has not told the uth.

Of course, we may show later on—and I will convince anybody—at he has not told the truth, but that goes to the entire testimony of is witness, and would be a stronger reason why he should not be ermitted to go into other speculative fields.

Mr. AUSTRIAN. If the objection is made on the ground of saving me, I assure the committee that the testimony would not have taken alf as much time as the argument has taken.

If he bases his argument on the fact, as he says, that it is for news- aper notoriety, why, I will say to the committee that this is no new ubject in Chicago. It has been printed in the papers, and we are ot looking for newspaper notoriety.

If it is made a legal objection, what I ask the committee to do to permit me to read the law books and the rulings of the Senate ommittee. I say it is absolutely competent, and it has been so held y the Senate committees and the books are full of cases upon this oint.

Judge HANECY. The committee, of course, will be its own guide n these matters.

Mr. AUSTRIAN. Well, I am sure the committee is looking for all ne light it can get.

Judge HANECY. I am dealing with this particular question now nd it seems to me it is a question of a great deal of importance, not merely to the committee alone, although that is the first considera- on, but Senator Lorimer and those that he represents here in this tate, that in the high office he holds, he should not be permitted to e besmirched unnecessarily by the conclusion or opinion of a witness ho admits that his testimony was purchased, or by things which are n no way connected with the charges presented here. If this is per- itted to go in, then anything that anybody wants to present here in elation to any member of the legislature in any other transactions of heirs or their ramifications in St. Louis, Illinois, or any other place ould be equally competent.

Mr. AUSTRIAN. Mr. Chairman, I want to correct one statement hich counsel has made to you several times. This witness does not dmit that his testimony was purchased as it is stated. Has any- ody stated that it was purchased? I deny emphatically that his stimony was purchased. And let it be understood right now that here is an issue between us on that subject.

Senator PAYNTER. What is the last question to which objection as been made?

(Question read.)

Senator BURROWS. Mr. Austrian, I understood you to state that ou proposed to show by Mr. White in this transaction, that the oney paid at that time was the money derived from the so-called ack pot.

Mr. AUSTRIAN. I have no notice or knowledge from what source came. It was my understanding that he received $900 in St.

Louis on that day, July 15 or 16, and that I assumed that was the money that Browne referred to in the conversation in Springfield, when he said, "You will get about as much more from other sources." That is my theory and it is my understanding.

Senator BURROWS. That it was the fund "From other sources?"

Mr. AUSTRIAN. Yes; that is my understanding.

Senator PAYNTER. I have not read the newspapers completely. Was there a fund in addition to the jack-pot fund, so-called?

Mr. AUSTRIAN. No, not that I know of, sir; except what was called the "Lorimer money." I never heard of any other.

Judge HANECY. Those are the two—the only two that are involved here—and they want to bring in the jack-pot money as well as the Lorimer money. That leads to a trial of the different transactions.

Mr. AUSTRIAN. It is upon the theory that there was general corruption there and that general corruption was present in the legislature at that session or that the legislature at that session was corrupt is competent evidence here.

I will connect each one to the other. I will connect each one who shared in the corruption fund as a part and party of the other corruption fund of the so-called Lorimer money matter. I will connect each member who is connected with that matter with the other one.

Senator BURROWS. From your statement this morning, and what you say now, you want to prove that the members of the legislature who were purchased for Lorimer were corrupt in other practices?

Mr. AUSTRIAN. Yes.

Senator PAYNTER. To show the general corruption of the legislature?

Mr. AUSTRIAN. Yes. It was done in every one of the other cases.

Senator JOHNSTON. That is the theory upon which you predicate the right to introduce this testimony?

Mr. AUSTRIAN. Yes.

Judge HANECY. That is, the other members of the legislature were purchased by other parties?

Mr. AUSTRIAN. No. Most of them by the same man, Browne.

Judge HANECY. Not by Lorimer?

Mr. AUSTRIAN. It is immaterial whether it was by Lorimer or no.

Judge HANECY. Not by Lorimer's friends?

Mr. AUSTRIAN. Why, Lorimer may have been in the Ionia Isle or anywhere else, and it does not affect this question at all. Lorimer may have been deaf, dumb, and blind while this was going on, and it does not affect this question at all. This question is: "Were a sufficient number of votes secured by corrupt practices and corrupt methods to carry the majority which was in the Illinois general assembly?" And that is the law.

Judge HANECY. That is susceptible of direct proof.

Mr. AUSTRIAN. No, it is not susceptible of direct proof because the committee has frequently held you can not get bribers to admit they were bribed, so you have to prove it by contingent and surrounding circumstances and conditions.

Senator BURROWS. Gentlemen, the hour has arrived for a recess, and the committee will take a recess until 2 o'clock p. m.

(Whereupon at 12:30 p. m. a recess was taken until 2 o'clock p. m. of the same day, Monday, September 25, 1910.)

AFTERNOON SESSION.

MONDAY, SEPTEMBER 26, 1910.

The committee met pursuant to recess and the following further proceedings were had:

Senator BURROWS. The committee understands that the purpose for which this testimony is offered is to show the money received from other sources, that is the proposition on the testimony of this witness.

Mr. AUSTRIAN. In the language of the witness; yes, sir.

Senator BURROWS. The committee will hear you upon that question, as to the admissibility of such testimony, and will hear you, Judge Hanecy, in reply. How much time do you want?

Mr. AUSTRIAN. Just whatever time you fix.

Senator BURROWS. What will be agreeable to you?

Mr. AUSTRIAN. Oh, probably thirty minutes.

Senator BURROWS. Will that be agreeable to you, Judge Hanecy?

Judge HANECY. Entirely.

Senator BURROWS. Then, that will be understood.

Senator PAYNTER. I would be very glad to hear you on the question—I suppose it is connected anyway with the question you will discuss—as to the admissibility of testimony, for instance, that members of the legislature were bought, paid money in connection with other legislation?

Mr. AUSTRIAN. General corruption?

Senator PAYNTER. Yes. And to show how Senator Lorimer could be held responsible for such a transaction as that. I would be very glad to hear you upon that question, and you may discuss it in connection with the other. The other members of the committee may not agree with me, but I would like to hear that question discussed.

Senator HEYBURN. I would like to hear some consideration given to the question of the origin of the fund.

Mr. AUSTRIAN. The origin of the fund?

Senator BULKELEY. Or any other fund—any fund that is connected with this transaction.

Mr. AUSTRIAN. I can not say what the origin of the fund is.

Senator HEYBURN. I think that you can give us some light on it if you have any suggestions. I made the suggestion thinking you might have some suggestion to make.

Mr. AUSTRIAN. In starting, Mr. Chairman and gentlemen of the committee, in the Clark case, which is the first case I desire to refer to, the question was put to some of the witnesses with reference to other corruption—I am referring now to the question I referred to this morning—this question was put:

I remember Mr. Bywater and I had one talk after the bill had passed the first time; I do not remember that we had a talk before the first passage of the bill; I remember he and I talking about it, and he spoke about it being voted, that he should not do wrong in voting as he did, but that he could not help it, that he was going to vote as he had before.

Q. Senator Caffrey, did anybody ever approach you, either before or after the passage of this bill, to vote for or against it?

Senator CAFFREY. Yes; offered you money for the same—these two bills, the contract having been pending at the time this envelope was thrown into your room—did anybody ever approach you with any offer of money to vote for or against those bills or either of them?

Then they go on as they had——

Senator PAYNTER. With reference to payments being made.

Mr. AUSTRIAN. I will get at that. Senator, just as quickly as I can. Just excuse me. Then they undertook to show that certain moneys had been paid for the passing of certain legislative measures. In that connection they undertook to prove that certain offers had been made to the members of the legislature to pay for certain measures. certain offers had been made to vote for Senator Clark for United States Senator, and then showed certain offers made and which had been accepted as to other legislative measures of that kind. In passing upon that, Senator Hoar, as chairman of the Committee on Privileges and Elections, said:

If I may be allowed one suggestion. We have had, I suppose, no taking of testimony before the Committee on Privileges and Elections for a good many years. I do not remember that there had an instance happened since any member of the committee except myself came into the Senate. If I am not mistaken speaking cautiously—I think I am not mistaken—we invariably held that the only possible way in thus dealing with questions of this kind was to receive the evidence de bene and in the final determination of the cause determine the competency and relevancy and weight of the testimony, as otherwise we should make the hearing of enormous length in order to have every question of this sort determined as we go along. We have a committee of lawyers and we are to report to a Senate largely composed of lawyers. In doing that we always looked out for the rights of a party who is defending himself against such evidence, and if it became a question whether the party thought he wanted to attack evidence if it was to be considered, but did not want to trouble himself to bring evidence to meet it if it was to be rejected, when any particular question of that kind came up we dealt with it in a practical way. We are not a jury.

And the evidence was admitted. The theory of this, Mr. Chairman and gentlemen of the committee——

Judge HANECY. You do not read, "The evidence was admitted?

Mr. AUSTRIAN. Well, I read that—not from the record.

Judge HANECY. You were quoting and read that after the quotation stopped.

Mr. AUSTRIAN. I will read from page 948 of the record. I did not read that "the evidence was admitted" as a quotation. On page 948 of the Clark record, which I have here, and I am now quoting:

The committee would like to know who were bribing or attempting to bribe members of the Montana legislature, because it may possibly have been used in connection with the senatorial campaign a year ago.

They went back even a year before Senator Clark was elected for the purpose of showing what, if any, general corruption was in the legislature at that time. The theory of it being as follows. My assistant calls my attention to the fact that there is something else here that I would like to read:

Senator TURLEY. Did any man ever offer you money to vote for any measure there? I am not talking about this particular bill, but any bill. Were you ever approached with an offer to bribe you?

Mr. GEIGER. Yes, sir; I was approached with a direct bribe once.

And the whole Clark record teems with that character and quality of evidence for this reason, as outlined in the various rulings of the subcommittee at that time, the theory being this: That where general corruption is rife, where parties in the legislature are dealing corruptly, it tends to throw light upon the system in vogue; that was there a general system in vogue by which legislators and men

ers of the legislature became purchasable commodities? That is the ıeory of it. General corruption rife, it elucidates and throws light pon the various phases; for instance, in the matter of Browne, it ill throw light upon the talk that White had with other members f the legislature, as you will see in a few minutes; for instance, the evience will disclose that one member of the legislature, the very night ıat White talked to Browne, a man who had proposed as a nominee ıe only Democratic candidate for the United States Senate, Luke—uke nominated Lawrence E. Stringer for United States Senator—uke was the man who voted for him almost continuously; this same ıan Luke the very night that Browne had the deal with White iscussed this very thing—general corruption. The purchaseable orimer vote that was had and those members of the legislature, if ıe committee please, that were in this combination to accept money ıd vote for the United States Senator were all parties to the jack ot. Of course, it is upon the theory that a system, a general corıption system, because men who were corrupted on legislative matrs in the Illinois legislature were men who were in this deal, and ıy evidence that shows they were apt to enter into a conspiracy at ıis time, if I am permitted to show it, those men who never have ɛen charged with crime before, the rule of law is, that for the purɔse of establishing intent in a bribery case—because bribery is one f those crimes to which there are only usually two parties and the ıyment of money from one party to another is by the briber to the ribee—and unless one or two witnesses can do it you never can rove it by direct evidence. Therefore, bribery is an exception to ıe rule, for the reason that bribery can only be inferred and proved y circumstantial and not direct evidence; because men are loath to ɔnfess that they were bribed or committed a crime. It is not where ɔu can prove that a man did any specific thing on a certain night, that a murder was committed, or that any crime was committed, ıt it is as a rule where two men enter into a contract between themlves, and hence, as you will see, when you come to consider and to ad the cases of bribery that bribery is an exception to the general ıle, and anything tending to show the circumstances of corrupt actices and using of other means for the purpose of accomplishg a thing, anything that tends to elucidate or tends to make it ɔparent or probable that money was passed for certain corrupt ırposes, is admissible. For instance, Browne might contend that made White a present of money, $1,000 and the subsequent $900. hite may contend that it was paid to him for the corrupt purposes dicated by his testimony. Here the only two men present are hite and Browne, and the intent of the law is to enlighten the mmittee upon that question. Anything more than the fact that rowne was not only buying other votes, but paying money for the ıssage of other corrupt measures, it is inconceivable that any evience would throw as much light upon that transaction as to show at when Luke and Link and Beckemeyer and Wilson combined, ıd that those men are the same men that were paid a thousand dollars; ɛewise, they were the same men who entered into the corrupt jack-pot al—I call it "jack pot" because that is how it has been termed re—the very men who were connected with this transaction, and who ɔt money, and met at the same place that Browne indicated they

were to meet to get the Lorimer money, and met there in June at the St. Nicholas Hotel in St. Louis; they met there again at that hotel in order to carry out the other part of the transaction. Now, as Senator Hoar said, "You gentlemen sitting here are not a jury. You take the testimony for what it is worth. You hear it like testimony de bene, and you then, having heard the testimony, determine that it has not been connected at all, that it does not throw any light upon the Lorimer transaction; you disregard it."

Now, I will say to you with reference to the jack pot, that subject has been held up to you as one going to take a lot of time. It is not going to take a lot of time. There will be nothing more shown than one or two very brief conversations with reference to the jack pot; it is the meeting of men in certain places or in a certain place and the payment of money, and no conversation about it.

Now, the courts of a number of States have held that this testimony is competent. And I am not going to attempt to read the cases to you at length, because the committee has asked me to limit my statement to thirty minutes, and I will make that as much briefer as I can.

In State *v.* Snetzler, reported in the Seventy-ninth Southwestern Reporter, page 1123, a decision of the supreme court of Missouri, decided on March 1, 1904—and I read from the syllabus—that on a prosecution for the acceptance of a bribe to vote for a bill by the member of a municipal legislative body, and it appearing that there was a combination in the body between various members, including the defendant, for the purpose of controlling others and receiving a money consideration for the passage or defeat of certain measures which might be otherwise passed or defeated; held, that it was proper to admit evidence that the defendant had received another bribe—that is, a bribe different than the one he was accused of having received, and buying——

Judge HANECY. What was the charge there?

Mr. AUSTRIAN. The indictment was for receiving a bribe.

Judge HANECY. Conspiracy?

Mr. AUSTRIAN. No; it was not conspiracy.

Judge HANECY. What next?

Mr. AUSTRIAN. Not at all conspiracy. This did not develop an conspiracy.

Senator PAYNTER. Did that case go to the extent of holding tha you could show, for instance, that some member of a council who wa not on trial at all, who was not a defendant—that you could show b a witness that he had received a bribe on some other occasion?

Mr. AUSTRIAN. It went so far as to hold that he had, that you coul show——

Senator PAYNTER. Would that tend to show that the defendant wa guilty, having received it in a particular case?

Mr. AUSTRIAN. Yes, sir. The supreme court of Illinois has recentl held, and which I now cite, in The People *v.* Hengaw, a case decide less than two years ago, that where a man was being—you ask wh the courts have held—in a case, for instance, of abortion, for illeg abortion, it was held it was competent for the purpose of showi intent, the criminal intent, to show that the defendant, a woman, ha committed abortions, that she had committed abortions on other pe sons not connected with the case at all. Just the same as here, for t

urpose of showing with what intent this entire corrupt arrangement
d agreement was made; to show what criminal act the defendant
rowne, a member of the legislature, the defendant Broderick, a mem-
r of the legislature, the defendant Wilson, a member of the legisla-
re, who were all in this ring, as the evidence will disclose as we go
, not only bribed for Lorimer votes, but bribed for other measures
tering into this same transaction. Now, for instance, I see that
e record shows that White said that that agreement to call on
rowne, and the only discussion he ever had with him about receiving
y improper reward for any act as a legislator, was that he was to
ceive $1,000 for his Lorimer vote—to use his exact expression—and
out as much more from other sources; that was the arrangement
d agreement. And that wa the only talk he ever had with Browne
ading up to the execution of the transaction in question. Now, sup-
se we follow that up and show, as we will, that other men had the
me arrangement with him and that every man who we will prove
ted for Lorimer under this illegal arrangement also shared in the
ack pot," as we now call it. Will not that tend to show this criminal
nspiracy, if any existed? Won't that tend to show with what
otive the transactions were had, what the intent of the parties was,
d the common design and the general corruption, because, as they
id, as the subcommittee in the Clark case said, "That is coloring
atter that shows a corrupt system?" Why, in that case, if the com-
ttee please, and your chairman, the protestant proved that a man
d a talk with a member of the legislature with reference to voting
r a bill, and that after he had the talk that money was found in his
om, thrown over the transom. They went as far as that, even. As
said in the case of the State *v.* Snetzler, over the objection of the
fendant, the State was permitted to prove that the defendant had
ceived $2,500 as a bribe to induce him to cast his official vote in favor
a bill previously pending before the house of delegates affecting the
hting of public streets of St. Louis and commonly referred to as the
ighting bill." The authorities all hold that, as a general rule, the
ate can not prove against a defendant the commission of offenses
her than the one charged and for which he is on trial; but exception
ists with reference to this rule where the collateral crime is brought
to a system, a system of dependent crimes, or on so marked crimes as
show that it was part of the same crime, understanding it in the
me way, having some connection with the crime charged. And
ain, referring to another case in Missouri, that where two or more
fenses are connected under circumstances to constitute a continuous
complishment of a common design, evidence of both is admissible
on a trial for one. In the case of State *v.* Delano a decision of the
preme court of Arkansas, handed down on June 29, 1908, a bribery
se—and I read first from the syllabus——

Judge HANECY. Give me the page.

Mr. AUSTRIAN. One hundred and twelve Southwestern Reporter,
ge 158.

Though the general rule is that evidence of other crimes or offenses is in-
missible, this is a bribery case against the defendant charged with a certain
me, evidence of offenses or acts similar to the one charged is competent for
e purpose of showing knowledge, intent, or design, and such principle is not
exception to the general rule since it is not proof of other crimes, etc.

In the case of State *v.* Routezan, the supreme court of Nebraska in a decision of March 9, 1908, reported in the Northwestern Reporter, 115, page 759, another case of bribery, said:

> This is an indictment for bribery, of bribing an official to enable a man t sell liquor in violation of law; on the trial of such officer, charged with havir entered into an arrangement to obtain money from the keeper of a house prostitution as a consideration for allowing her to carry on an unlawful occup tion, and with having for several months received from her the sum of $ each month for that purpose, proof of payment of other sums of money, ha under like or similar agreements by other persons engaged in the same unlawf occupation, may be received for the purpose of corroborating the principal wi ness upon the material facts of the transaction as alleged in the information.

There they permitted them to prove the payment by others engage in keeping the same class of houses, simply for the purpose corroborating.

Senator HEYBURN. I would suggest that was after the main fa had been established. You could not corroborate it until after it ha been established.

Mr. AUSTRIAN. Well, of course, if after the testimony is in and is not established, why, of course, the committee will disregard We can not prove the whole case at once. You have got to prove by each witness as you come to it. We have this fact establishe that is, of White receiving, so far as he has testified, $1,000 und the corrupt arrangement and agreement to vote for Mr. Lorimer.

Senator HEYBURN. Is that controverted? Will that be contr verted?

Judge HANECY. Oh, yes; we will show by his own testimony, his own admission repeatedly, that that is not true.

Mr. AUSTRIAN. That will go to the credibility of the witness, a the weight of his testimony.

Senator GAMBLE. So far as the evidence now is concerned.

Mr. AUSTRIAN. Yes; we will prove that by a number of witnesses that they received money, as we claim, for the vote of Mr. Lorim These same persons who received money for the vote of Mr. Lorim as we think we will establish, were in the common system of rece ing money from other sources, paid by the same person in m instances who paid for the Lorimer vote.

Senator HEYBURN. That is to say, those who you claim you show received money for voting for Senator Lorimer, you can a show in each of those cases were men who secured money from oth sources?

Mr. AUSTRIAN. Yes, sir; received the benefits——

Senator HEYBURN. I would suggest it might be well for you h to state what you expect to prove, in order that we may apply law as to such proof.

Mr. AUSTRIAN. I expect to prove——

Senator BULKELEY. Do you expect to connect Mr. Lorimer w this?

Mr. AUSTRIAN. No, sir; not in that way at all.

Judge HANECY. That is, you do not intend to connect Sena Lorimer?

Mr. AUSTRIAN. I personally do not intend to connect Sena Lorimer.

The statement made here by the witnesses that they had some t with Mr. Lorimer, the committee will please understand, of cou

hese witnesses I have never talked with—never talked with but wo of the witnesses who will be called upon the witness stand.

Judge HANECY. You do not claim that any witness will say that ıe ever talked with Senator Lorimer about money?

Mr. AUSTRIAN. I know of no one.

Judge HANECY. You say, in that connection, you said that they vould show that they had some conversation with Senator Lorimer?

Mr. AUSTRIAN. Oh, they had, but what that conversation was, I .o not know.

Judge HANECY. But not in relation to the payment of money or ny corrupt practice, you do not mean?

Mr. AUSTRIAN. I should say not.

Senator HEYBURN. I did not mean to precipitate any controversy ere between counsel.

Mr. AUSTRIAN. Some witnesses may make some reference to con- ersation; I see upon the trial of the Browne case some reference ;as made to it. I have never talked with a witness on the subject.

Senator HEYBURN. I do not think we want any controversy between ounsel at this time.

Judge HANECY. I beg your pardon, Senator, I did not intend ɔ——

Senator HEYBURN. I think it is better to refrain from it.

Judge HANECY. If he had answered that question as he did I new it would clear it up in the minds of the committee and save great deal of cross-examination.

Mr. AUSTRIAN. Mr. White has never said he had a talk with Mr. ,orimer in this case, that I know of. I know of no witness who has ad a talk with Senator Lorimer, except Mr. Link. Mr. Link said e made—he has testified that he made—had his conversation with Ir. Lorimer, and Mr. Luke, I believe, said he had, or stated to some- ne, that he had his transaction with Mr. Lorimer direct. That will ome out in the evidence just as it is. I do not know anything about :. But the point is right here, and I think the entire committee ;ill agree with me that it is not necessary—and I am sure Judge Ianecy will—it is not necessary to connect Senator Lorimer with the ransaction unless you expect to unseat the Senator upon a direct harge of bribery. You may declare the seat vacant if there is evi- ence introduced showing that enough votes went to him by reason f corrupt methods or practices to take away his majority. That s the rule of law, as we all understand it, so far as I have ever heard : expressed, and I think you understand the law the same way, on't you, Judge Hanecy?

Judge HANECY. Yes; but I do not understand its application to the acts that you will prove.

Mr. AUSTRIAN. You will understand them as the evidence goes in.

Judge HANECY. No; that is your position.

Mr. AUSTRIAN. We will show that each man who was a participant ı any of the so-called Lorimer fund was a part of the general sys- em and design, a part of it, a cog in each one of these transactions, nd affected the same way. They had the meeting places, they an to cover at the same time, and they came out of cover at the same ime; the same man who paid the Lorimer money paid the so-called ack-pot money in some instances; and when he did not pay it a ıan by the name of Wilson, as you see by the letters this morning,

acted for him. The testimony on this floor is that Browne told White he expected to be in St. Louis July 15; that instead of which White received a telegram from Wilson to meet him—Wilson—there, a member of the legislature; that thereafter Browne wrote to White the next day, "I am sorry I could not be with you in St. Louis because I was attacked by ptomaine poisoning, and it was not safe for me to go." Now, the same man, the same agency, distributing that, distributed the other, as you will see more particularly and more clearly when some further evidence comes in on that subject. It is for the purpose of showing a corrupt design, general corruption because if the field is sown for it the flowers bloom for corruption more rapidly. And if we could not show any corruption, if we could not show that any man was bribed for any purpose, the testimony that we may offer to the committee would be of the least convincing kind; the weight of the testimony would be lost; but where we show that corruption was rife, that every man was, or a number of men were ready to be paid, that they talked money with each other and about corrupting and about getting money. Why, the evidence will disclose that some of these men complained because they did not get enough. Some of the witnesses, who may or may not be called, complained to each other because they thought that the up-state members of the house—those living in Chicago—had gotten the better of the down-state members of the house; this very man Browne, as the evidence will disclose, sought various members of the legislature—complained because they thought he was getting more than they, but that he was in the position of taking a greater risk and therefore entitled to more money. Why, after this thing broke, after this disclosure was made, the evidence will disclose that the members of the two houses who were in this combine met, and frequently met, for the purpose of shaping what their course of conduct should be and making a story that would fit each other. Every solitary fact that will be offered in evidence here will show a general corrupt design to control not only the votes for the United States Senator, but to control various measures that were introduced into the various assemblies. Why, it was in the atmosphere. No one told this man White, as he has testified here, what measures he should vote for. He will tell you, if you put the question to him that measures that he voted against were measures that were being fostered by Lee O'Neill Browne, the minority leader. No one told the witness Beckemeyer, who will go upon the witness stand, what measures he should vote for. But Beckemeyer got his thousand and then he got his nine hundred. No one told the witness Link, who will be called upon the witness stand, what measures to vote for. In fact, the witness says that he talked with Mr. Lorimer or Mr. Lorimer spoke to him a week or ten days before the minority leader, Browne, asked him, Mr. Lorimer asking him if he knew Browne, and that subsequently Mr. Link voted for Mr. Lorimer, and that he was paid $1,000 on the same day the others were paid $1,000, then he went to St. Louis, on July 15, the same day they all went to St. Louis, and then he got his $900 from other sources, the same $900 that they all got. We will show that others—Luke and other members of the legislature, a number of them—followed the same course, followed in the same footsteps of Link, and each and every one of them get the $900, the sum of $900, except Holtslaw, who got $2,5

low, that shows the system. There were not words spoken. There ere acts. We all know, who are familiar with this case, in some egree at least, that they did not say, "We will now do so and so; is will be your part, and that is your part"—no; there were things ken for granted and after those things were taken for granted they cted pursuant to a common design, and each went to the same place, nd each came back from the same place, and each had the same mount of money. Now, if that is not competent evidence to show system, to show the intent, to show the purpose, I fail to see it. urthermore——

Senator BURROWS. In the course of your argument you used the expression, "The Lorimer money" or "The Lorimer fund."

Mr. AUSTRIAN. That is what the witnesses say.

Senator BURROWS. What do you mean by that?

Mr. AUSTRIAN. In their transactions, apparently, they referred to oney that they were to get in June as the Lorimer money, that was lled the Lorimer money, and the money that they got two or three r four weeks later, that was referred to as the "money from other ources." Now, I do not know what they meant by it; they never iscussed it; and the only one witness or witnesses who did discuss it ere Browne or Wilson and Broderick with another man; they mply went up to the trough, as one witness will say, and "got eirs"—that is all. Now, it is for you to determine, to find from e evidence that will go in, what is competent and what is incompent, and your judicial judgments will not be biased or prejudiced ne way or the other; if this evidence comes in and you should dermine it is incompetent after you have heard it all, that it is not a art of the same transaction, you will simply disregard it, and your dgments will not be influenced in any way thereby, or after hearing ll about this transaction, it is so interwoven in its various stages nd you find out that you can not separate it, then you will act acordingly. For instance, one member of the legislature who got 1,000 for voting for Mr. Lorimer and nine hundred for voting—om some other source, and when I say that, that is not evidence; ou need not take that as evidence, but the evidence in this case will isclose this and the conversations will be detailed with other various embers of the legislature with reference to the jack pot, so called, nd with reference to the Lorimer money. You can not stop a witess who is testifying and say "stop there at that fact or transacon," and consider just one part of a fact, but it must all go in as a art of the entire transaction. It is not remote, or had not happened two years before, but it happened contemporaneously—it all appened the same time, and for the purpose of showing this general orruption that was rife in this legislature, with reference to the elecon of Lorimer, and with reference to other sources, if you please, itnesses will testify that they were directed to vote for no measure at ll—none; and should you interrogate the witness White you will nd that he voted against measures that Browne was for as well as oting for them. No single witness can detail any single piece of gislation that he voted for that was in the jack pot. Now, when ey got into the Lorimer deal they were in the jack pot—not by ords, but by acts, and every man who got his money from Lorimer the Lorimer deal, got his money out of the jack pot; and there as no agreement, nothing express, nothing said; they simply shared

it. Now, it is for you to determine what the arrangement and agreement was after you have heard all of the evidence.

Judge HANECY. Mr. Chairman and gentlemen, I could not account for the paradoxes of the gentleman who has just been talking. He was talking for a half an hour in saying that there was a specific agreement or contract for the payment of a specified sum of money for a vote for Lorimer. That is exactly what the witness testified to—that he was to get a thousand dollars for voting for Lorimer that he had an agreement that he was to get that, and that he did get the money, a hundred dollars at one time and nine hundred at another, and that he was told when he was given the hundred dollars that was part of the Lorimer money; the night before he got the $850 of the nine hundred he was given $50 and he was told when he was given the $50 that the other—that that was not part of the Lorimer money, and he would get the balance of the Lorimer money tomorrow; and he swears that the next day, on the 17th—he is mistaken, it was the 18th—the first day was the 17th—he said here the 16th, and the second day was the 17th—the first day was the 17th and the second day was the 18th, and when he got the $850 the second day he said that he was told that that was the balance of his Lorimer money. Now, this gentleman asks you to believe that that is not true, and that it was not testified to here. We say it is not true. There is not a word of truth in it, as we will show by the witness himself and by his other statements on different occasions; but they want this committee to believe that he never said that, and that no witness has said or will say that there was an agreement to pay a certain sum of money for a vote for Lorimer.

Now, that is not the fact. That is not the sworn testimony of any one of the four witnesses who were forced either by the payment of money to swear to that, or by the club of a grand jury indictment. Every one of those witnesses testified that they did get a thousand dollars. They did not testify to nine hundred. That question was attempted to be shown in the first trial of this case and was entirely ruled out after the very fullest arguments by as able counsel as there is in this State or the West; that the testimony was not admissible there; that there was a charge there of bribery against Browne, but Browne could not be tried for any other offense than the one for which he was indicted; that the purpose of the law was to have a grand jury investigate; and they put—formulated—that into an indictment for the purpose of notifying the defendant of the thing he was charged with so that he might properly prepare his defense and that he must have the names of the witnesses upon that charge of indictment so that he may know and he may be confronted with the witnesses who are to testify against him. It is the uniform law, and it has been such since before any of us ever saw the light of day, that in every State where the common law of England is enforced, and in every State and in every country where the common law of England is the basis or foundation of the code or the statutes or the system of laws, as made can be proven directly, you must prove that charge as made, and you can not try that defendant for that offense then charged by proving that he committed another like offense on the same day, the day before, the day after, or any other time.

Now, that is the rule as to the man charged with the offense. The do not claim here that Browne is on trial. Browne is not the ma

n trial here, or under investigation. It is Senator Lorimer. Yet hey want this committee to hear charges that Mr. White says took lace between himself and Browne and Wilson, and probably hunreds of thousands of unnamed persons with everybody. They conend, most earnestly contend, that everybody who sought legislation n the legislature and contributed money to the so-called jack pot onvicts Senator Lorimer, charges him with furnishing evidence gainst him piled up on the structure of bribery and procuring his lection by corrupt practices, piles up a structure to prove that, when orimer never knew and never heard of any one of the people. If hat is the law, and if that is permitted here, suppose that Senator orimer on the first day of the session of the legislature, that he ight be, if he received a majority of the votes in each house seprately, that was all that was necessary to do, then was for the two ouses to come together in joint assembly, the body that was created y act of Congress of 1866, and read the journal and declare the esult.

Now, that session may have continued for six months afterwards, period of time of three or four times six months may have elapsed. t may have been a continuous session of the legislature as we have ad evidence of it here in Illinois—recesses taken and meeting again—nd then Senator Lorimer on the first day of the term would be harged with everything that any corruptionist practiced, with the iembers of the legislature in the creation of a jack pot for the assage of, if you call that legislation. This necessarily was the octrine. That is what this committee must necessarily hold if it dmits this evidence; if it admits this evidence of jack pot, then it dmits that same evidence to prove that Senator Lorimer obtained is office by bribery or corrupt practices. And if it may be shown iat that was done on that day, on that very day or the day before, r the week before, it may be done any time back to the beginning f the session and down to the end of it. Senator Lorimer was lected on the 26th of May; he was not a candidate until that day. Ie had refused repeatedly to permit his name to be used as a canidate until that day. He had refused to permit Judge McIlvane, ne of the members of the legislature, to vote for him, although udge McIlvane had repeatedly said that he was going to do it nyway and that he did some few days before, and Senator Lorimer sed his greatest efforts to prevent his name going before the legisiture. He told Governor Deneen that he was for Governor Deneen. Ie told Speaker Shurtleff this, and the public generally, that he was or Speaker Shurtleff for Senator. He talked with Governor Deneen nd he talked with different members and different prominent officials nd public men to induce some other public man to become a candiate when it was apparent that the legislature could not, and would ot elect Senator Hopkins. Governor Deneen discussed over and over gain, with repeated night conferences that lasted until 3 or 4 o'clock i the morning, with Senator Lorimer, the probability and possiility of getting some one to run for the Senate, and Governor Deneen ill testify from that witness chair, under oath, if he is brought ere, that he suggested to Senator Lorimer that before Senator orimer's name was suggested even by anyone else—possibly not y anyone else—but that he suggested to Senator Lorimer many mes before Senator Lorimer was a candidate, that he, Senator

Lorimer, become a candidate for Senator of the United States After the discussion of every one of the men who were discussed as possibility or probability for the office, discussed by Senator Lorime and Governor Deneen, when they found that one or the other coul not agree upon the man named, Governor Deneen would return to th old question, "Well, then, you must be a candidate," or "Why don' you become a candidate?" and Senator Lorimer had always refused and that is made a charge true here that he was not voted for b any considerable number of men until that day he was elected an that there was evidence that there was corruption in inducing men t vote for him.

Now, let me go back to the question of law. It is true that, as stated before, wherever the fact charged or any essential fact in a cas is susceptible of direct proof, you must prove that, not only by direc proof, but you must prove it by the highest class of evidence. Yo can not prove it by secondary or third-class evidence. If the first o higher quality of evidence can not be obtained, then you can prove i by secondary evidence, though the proof originally was lost or can no be found, as any act or destruction on the part of the person desire to produce it. But whenever the charge against the party is an ac which may be innocent in itself or may be a crime in itself, then yo have the right to prove other facts, not for the purpose of provin the crime or the offense charged, but for the purpose of showing th intent of the party who committed the act, to commit the crim For instance, and it is well known in the reports, well known to law yers and jurists, an indictment for parties counterfeiting money c passing forged paper—the passing of the money itself is not a crime it is not a crime, per se, to pass it; it is not a crime to pass forge paper, unless you knew the money was bogus money or unless yo knew that the paper was forged, and you can not enter the mind c the defendant to ascertain whether he knew that fact or not. Nov the law provides that in a case of that kind, where the passing of th money was an innocent act in itself and may have been committe by a party who had no knowledge whatever that the money wa bogus or that the paper was forged, you can not convict him by pro ing merely that he passed the money or the paper; that the mone was bogus; or that he passed forged paper and it was forged; yo have got to show knowledge and you have got to show intent; yo have got to show knowledge that it was bogus money or forged pape and you have got to show that he intended to pass it as such.

Now, you can not do that. You can not enter the mind of th defendant; but the law is that you may show that that same ma who passed a bogus $5 bill the day before or the week before, passe five other bogus $5 bills, not for the purpose of proving that h passed that one, but for the purpose of showing that he knew th the $5 bills that he passed, or that he had reason to know that th $5 bill that he had previously passed, was bogus money—were bog bills—and that is only for the purpose of showing intent; and th jury has got to be satisfied beyond a reasonable doubt, or the court, the court be finding the facts—whatever body be finding the facts must be satisfied beyond a reasonable doubt, not only that the crim was committed, but that he had committed it with that intent an knowledge. So, they have held here in this last case of Illinois th Mr. Austrian has referred to, where it was a charge of abortio

against a midwife. The girl or the woman upon whom the abortion was charged to have been committed may have been entirely innocent on the part of the midwife; the tampon or the probe, or whatever was inserted into the womb of the woman, may have been properly placed there, and the only way that they could prove that it was improperly placed there was to show that the woman charged in the indictment with committing the abortion knew that she was committing an abortion, and for the purpose of showing that she knew that and that she had the intent to do it, the court held that they had a right to prove that she had committed other offenses on numerous occasions of the same kind, and that in performing the act that she had, in the insertion of the probe or the tampon, or whatever it was, it was not done innocently, but was done for the purpose of destroying a human life or what would have been one.

But there is in every case—the first case that was read by Mr. Austrian shows you have got to first show the offense and then you have got to show or to bring in the other evidence that they make a link and made a system. You have got to show that to prove the crime that the defendant committed other acts, not other similar acts, because upon those he never was indicted and tried—being tried, you can not prove additional offenses of the same character; you have got to show that they were linked together, interwoven with each other, that the other offenses were interwoven with the one charged, or the evidence is not competent. The noted English case the lawyers have argued over and over again; you can not prove one burglary by proof that the man charged with the burglary committed another one. But in the English reports there is a noted case of that kind. A certain man was charged with burglary, or certain men were charged with burglary; they were indicted and they were put upon trial, and it was offered to show that they burglarized a particular house on that night other than the one they were indicted for burglarizing, and that then they went to the other house; they proved that the house, the third house, had been burglarized. Then they proved that two other burglaries had been committed on two other houses on the same night, and they proved that certain things that were taken from the first house were found in the third house, and they proved that certain things taken by the burglars from the second house were found in the third house.

Now, that proved the crime of burglary against the man, first, on the charge that he was indicted on. They proved the burglary was committed there, and the purpose of showing the other offenses was to show that they had been burglarizing, and that comes in our law in making statutes; the sentence of the defendant perhaps is different; if they are incorrigible or old offenders, why, the sentence would be greater, is fixed by statute or by the jury, than it would if it had been the first offense. Now, that proof that the first burglary was committed and that some of the things taken from the first house were found in the third house burglarized, that was burglarized by the man on trial, and they found that some of the things that were taken from the second house were left by the burglars who committed the third burglary in that house, and that is the only ground upon which you can show previous burglaries. Supposing here, and there are a few cases of that kind, and in every case in the books where other or similar offenses are committed, they are not permitted in

evidence for the purpose of showing that he committed the offens charged in the particular case, but for the purpose of showing in tent and knowledge of the things charged against him here. Now supposing ten of these legislators, or supposing twenty of them ha gone to a banquet some place, even a larger number, and while a that banquet they had committed a robbery, or supposing that the held up somebody, or suppose they murdered somebody. Woul Senator Lorimer or some one else who was charged with obtainin their election by corrupt practices or bribery be resposible for wha they did there? Just as much reason and just as much sense fo charging him with it as to charge him with the acts they did i some bathroom or some other place in the collecting or in the dis tribution of money that he hadn't anything to do with—money tha was paid for legislation or money that was paid to kill legislation money that was paid weeks or months before they voted for Senato Lorimer or before he was a candidate, or money that was pai weeks or months after he was elected Senator, and that he kne nothing about; because you can not simply introduce this, or allo this in and stop.

If the principle is permitted here after this it must go to the ex tent of holding that everybody that paid money into the jack po from the beginning of the session down to the time Senator Lorime was elected, and if every dollar that was paid into the jack pot t kill legislation or to procure it after his election to the end of th session is competent as proof against Lorimer to prove that he ob tained his office by bribery or by corrupt practices. The charge is nc here. They contain all the ingeniousnesses of the charge and must b quite apparent to the members of this committee. They say this i not merely a charge of bribery, but they say it is a charge of briber and corrupt practices, and they are trying to get this committee, an through it the larger committee of the Senate of the United States, t hold that Senator Lorimer must suffer because some of the men wh voted for him for United States Senator were guilty of corru practices before they voted for him or after they voted for him; an if that be established as a rule then this committee might just as we start an investigation to test the manner in which Senator Cullo holds his office, or any other Senator of the United States, and the permit anybody who claims that they paid or received or claims the received any money during that session of the legislature at whic he was elected to claim that he committed corrupt practices and tha Senator Cullom or the other gentleman was liable, was guilty c corrupt practices, in his election as United States Senator.

If bribery was used in the election of Senator Lorimer; if so, n intent is necessary to be proven. The act itself carries with it th intent. You can't club a man on the head or any part of his anatom and say: "I didn't intend to do it." You can't strike a man on th jaw or under the chin deliberately and then say: "I didn't intend t do it." You can't run a knife into a man's vital and then say: " did not intend to hurt him with a deadly instrument." The act itse carries with it the intent. So here the crime of paying a thousan dollars if White would vote for Lorimer carries with it the intent- the very act itself carries with it the intent. There may not ha been a dollar paid in Springfield or in the Briggs House in Chica or any other place, if White agreed with Senator Lorimer or wi

anybody that Senator Lorimer was responsible for, then the crime of bribery was committed, not merely for the purposes of this committee, but for the purposes of the criminal court, and he should be convicted of bribery. The defense is complete when the contract is made, even though a dollar in money was not paid. But here this witness testifies that it was agreed that he was to have a thousand dollars if he voted for Lorimer for United States Senator. And he says he got the money; and he says when he got the $50 of the last $900 he was told that he would get the balance of the Lorimer money the next day. When he got the eight hundred and fifty the next day, he says he was told that that was the balance of the Lorimer money. This is not the only time he has testified to that. We have here two records of the two trials of the People against Browne, where White testified before. We have his sworn testimony in both of those cases. Now, this committee is asked to believe that he did not so testify—asked to admit as against Senator Lorimer the fact or the facts that somebody, some railroad company, or some corporation, or some individual wanting legislation paid money into a fund to get it, or wanted to kill legislation and paid money into a fund to kill it, and that Senator Lorimer is responsible for it.

Now, it is not necessary for me to argue to you, gentlemen, or to any other intelligent man in this age, in this community, that a mere charge is sufficient to condemn a man for the time being, and that is the purpose and plan of Mr. Austrian, to charge Senator Lorimer with the acts of the "jack potters," as they are called. We think the acts, not simply of the man who claimed to be entitled to a distributive share of that fund, but that the acts of the man who paid the money into that fund to be distributed, not for Senator Lorimer, but for other purposes.

It is charged here, or attempted to be charged here, that Senator Lorimer himself, or through others, obtained his office by bribery or corrupt practices. I want to call the attention of this committee to the statement made by Mr. Austrian as it will appear by the record by both the official and unofficial reporters. He stated that Mr. Luke, at St. Louis, stated certain things. Mr. Luke is dead. They have subpœnaed Mrs. Luke, his widow, to come here; and four of you gentlemen wanted to know, and three at least asked questions, and Senator Heyburn said that you could not introduce the wife of a deceased legislator, and Mr. Austrian said, "Yes, we can; she is his widow. She is not the wife; she is the widow of Mr. Luke." If you gentlemen will read the Chicago Tribune of yesterday morning you will find an article there, on the first page, in the first column (probably written by Mr. O'Loughlin), charging that Mr. Luke stated to the state's attorney—and you will find the name among the list of witnesses, Mrs. C. E. Luke—that he stated to H. D. Murray, who is state's attorney of that county, certain things; and that article was published in the Chicago Tribune, whether written by Mr. O'Loughlin, who is high priest of that kind of literature it bears the earmarks of. The article says that Mr. Luke admitted to the state's attorney of the county he lived in that he had been paid a thousand dollars to vote for Senator Lorimer, and that if Mr. Beckemeyer did not get he was a fool. Mr. Murray telegraphed that the story was a fabrication from beginning to end. It is not true in substance or fact—no admissions of that kind were ever made. Now, it is impor-

tant to the party being investigated here that that kind of a charge should not be fostered and built up before this committee, and they give it official recognition here.

Senator HEYBURN. Counsel has brought in here some things that occurred before an executive session of this committee. Would it not be just as well to keep any suggestions made before the committee out?

Judge HANECY. I beg your pardon if I have disclosed anything that ought not to be disclosed. It was published in yesterday morning's issue of the Chicago Tribune, and I did not suppose it was a secret matter unless the circulation of the Tribune was so limited that the publication alone would make it secret.

Senator HEYBURN. It is not the intention that anything that transpires in executive session should be disclosed outside.

Judge HANECY. I had no desire to do that, and if I have I desire to apologize again. That is a list of the names of the witnesses.

Senator HEYBURN. I refer to my remarks.

Judge HANECY. That was a remarkable lawyer, not of the committee, that the testimony might not be competent, and Mr. Austrian said it was.

Senator HEYBURN. I shall make no remarks except as a member of the committee.

Judge HANECY. I suppose it would be difficult to divorce your membership on the committee from that of a lawyer. That remark was made as a lawyer familiar with the rules of evidence. I have a case in the seventy-fifth Southwestern Reporter which lays down the rules just as I have stated. In the last case cited by Brother Austrain in one hundred and twelfth Southwestern Reporter this expressed language is used: "For the purpose of showing knowledge intent, and design."

The statements are shown not for the purpose of showing the charge Blaney was on trial for, but for the purpose of showing knowledge, intent, and design. You can not, in proving an offense charged against a party, prove it by proving that he committed other offenses of that kind on other occasions, I do not care what they are except in cases where a party passes bogus money, forged paper, or cause an abortion, where you can not prove the intent in any other way. Where you have got to prove the crime by proving other offenses, it is not necessary to prove any other offense. It is not necessary that somebody else committed a like offense or other offense, and it is not attempted to be shown here that Senator Lorimer, who is the party being investigated here, did some particular thing, but it is claimed that some of the men who voted for him committed other acts not in relation to his election, but in relation to some other corrupt practices that in no way relate to the election of United States Senator. I think I made myself quite clear on the question of law raised by Brother Austrian in the Clark case. It would be the same here if this were a case where Mr. Browne was charged with bribery and was being tried and somebody representing him went to the judge he was being tried before and tried to bribe him to dismiss the proceedings. In other words, it was linked together—as the court holds in this case cited by Mr. Austrian. It was linked together with the bribery; it was the corruption and bribery of a party who was subject to punishment; that bribery ha

ot been committed in the election of Senator Clark, otherwise it ould not be competent.

You can not prove the principal charge by proving some other or milar offense, because the offense charged here is susceptible of irect proof. If his testimony is true, then the intent goes with the ct, and I submit that if this is gone into that it means a very pro- acted session, because we may show by one or two witnesses here at certain parties were guilty of "jack potting" and you received distributive share of the jack pot, and somebody else supplements is testimony by showing that the Illinois Central or the Michigan entral and the Santa Fe and all the other railroads and numerous her corporations paid money into the fund for the purpose of btaining certain legislation, or for the purpose of killing certain gislation, or both. Then, if they have a right to do that, and are ermitted to do it, then we could call every individual and corpora- on and prove by them that they did not pay any money in there r any such purpose. Because if that is not permitted to be done, en you have permitted this man White to besmirch every member the legislature who can not be heard here, unless he is permitted come in here and establish the fact that he did not participate in y jack pot, and that no money was paid to him out of any jack pot d no money was paid to him for voting for Senator Lorimer, and e must have the right, if there is to be full investigation, and I ow there will be here, and a fair one, at least, then we must have e right to call every man or corporation that is charged with ying money into that fund, this so-called jack pot, to show that ey did not put any such money in there, otherwise we can not ake our defense here and must grope around in the dark until we d all the parties charged with having put money in that fund, hich White says resulted in the payment to him of $1,900, and show them that they did not put it in to in any way influence the election Senator Lorimer to the United States Senate, but did pay it in r another purpose. And then we must call the different members of e legislature for the purpose of showing by them—and that means ery member of the legislature, the 53 Democrats who voted for lm and the 55 Republicans who voted for him, and all the others, aking 204 altogether, or 203 at the time of the election of United ates Senator. One was then dead, I think, and 3 or 4 have since ed. Three of them are now dead and those are all Democrats. ll the living must be called if they can be reached, and, as I say, is would be an interminable affair. We must send out to every natorial district throughout this State, and we must get those men here, and in addition to that we must search out and find the en who paid money into the fund, from which this man said he t $900 as his distributive share in St. Louis from Mr. Wilson or mebody else. I submit that Senator Lorimer should not be bur- ned with any such a duty, and I submit that the gentlemen who in the United States Senate to-day should not be burdened by an tablishment of a principle of this kind and be compelled to estab- h their innocence in order that they may rid themselves of the irch that creatures like White may cast upon them that may be stered and given credit by a committee such as sit here.

Mr. AUSTRIAN. Mr. Chairman, I will be very brief in replying. dge Hanecy's argument is one of convenience. He is trying to

impress the committee as to the convenience of the testimony and not as to its legal application. I want to make one proposition, and I want to make it clear, and that is this: You are investigating the question as to whether or not the election of Senator Lorimer was brought about by the use of corrupt methods or practices. Senator Lorimer may have had nothing to do with the use of corrupt methods or practices, but that does not change the thing one iota. As has been frequently held, and as is the law when it is clear that bribery or corrupt practices on the part of the friends of the candidate, who are conducting his canvass, funds are obtained for him without which he would not have had a majority, his election should be annulled although proof is lacking that he knew of the bribery or corrupt practices. They must start with that as a fundamental principle of law, upon which this hearing is based, because it is a rule of law adopted by the United States Senate for over fifty years.

Starting with that as a premise, was Senator Lorimer elected to the United States Senate by the use of corrupt methods or corrupt practices? We will endeavor to show by evidence from this witness stand that more than enough votes were obtained by corrupt methods and practices, which, if they had not been obtained in that way, would have defeated Senator Lorimer's election. In other words, the burden is upon us to show that at least six or seven votes, whatever the number may be, were obtained by corrupt methods and practices, from bribery, promises of reward, or otherwise. Now, how can we do it? We put witnesses upon the stand, and Judge Hanecy referred to one witness, the witness Link, for instance, who suggests that he heard Senator Lorimer make a speech on the deep waterway, and that he was fascinated by the speech, and was talked to by Senator Lorimer upon the subject of voting for him. And that after he did vote for him, he received the sum of $1,000. There was no agreement then and there was no talk between Mr. Link and anyone, but the simple fact that he received a thousand dollars. Haven't we got to establish the intent with which Link voted. The man Beckemeyer, the next on the stand, testified that he received $1,000 for voting for Lorimer. What talk did he have? I am just arguing the testimony in reference to that now.

Senator PAYNTER. Who handed the money to Mr. Link?

Mr. AUSTRIAN. Mr. Browne handed it to Mr. Beckemeyer, to Mr. White, and some others. Mr. Link goes on the witness stand and he testifies that he had a talk and went home and was called to St. Louis June 23 and was handed $1,000. Then he was called back July 1 and got $900. Now, Mr. Link's transaction upon the face of it may appear perfectly innocent, and Mr. Beckemeyer's may appear perfectly innocent. We have got to show the intent with which they procured it. It was innocent, if Mr. Link did Mr. Browne some great service, and Mr. Browne being an affluent man made him a present of $1,000 after the legislature adjourned, and then made him a present of $900. The evidence will not show agreements such as White testified to in every instance, or any agreement at all in some instances, simply a request to vote. Now, to prove the intent with which the money was obtained, and to prove a system that was in vogue, is it not material to show that these men who were engaged in obtaining a thousand dollars were engaged in corrupt practices? Does not that tend to prove corrupt methods, a general corruption

corrupt system in vogue? That does not connect Senator Lorimer personally with it, and it is not necessary to connect him personally with it. If we were to prove that Senator Lorimer himself paid a single dollar and obtained a single vote, that is as far as we would have to go, because the rule of law is, that if you can connect direct bribery to the present holder of the seat, that it is immaterial whether or not he obtained any votes by reason thereof or not, but where you do not connect him directly with it, you must show the influence of votes enough to take away his apparent majority. Now, therefore, when we bring Mr. Link in and bring Mr. Beckemeyer and others in, we must prove generally the intent with reference to each one. Judge Hanecy says, to make an agreement that no intent was necessary; that he made an absolutely corrupt agreement. I will say to you there are others who have no agreement whatever, and Judge Hanecy knows it, as he has read the testimony in the Browne case, and we all know it. And I say to you further that when Judge Hanecy made the statement that this testimony was excluded in the Browne case, he was mistaken. I will read you some of the testimony in that case (reading):

Q. What did you receive from Mr. Wilson?—A. Nine hundred dollars at this meeting at St. Louis—was called the "jack pot."
Q. What did you receive from Wilson?—A. Nine hundred dollars.
Q. What denomination?—A. One-hundred dollar bills.
Q. Where did you receive it?—A. In his bath room, in his room.
Q. Who went into the bath room first?—A. Mr. Sheppard.
Q. Mr. Sheppard was called in first. When you were called in he handed you 900?—A. Yes, sir.
Q. What did you do then?—A. I put it in my pocket.

Judge HANECY. That was on the second trial.

Mr. AUSTRIAN. Yes; but it is immaterial; we are all bound by it. If in every instance, every member of the legislature who was put upon the stand would say, "Yes, I was bribed, I am a criminal," it would not be necessary to prove anything of the kind. But I say to you Judge Hanecy knows it, he has referred to the vote, and he says that Mr. Link voted for him on account of the deep waterway and that Beckemeyer voted for him on account of the deep waterway, but I want to say to you, that they voted for him because they obtained money for voting for him. It is for you to determine, after hearing the evidence, whether or not this throws any light whatsoever upon Senator Lorimer's election. Just one thing further, irrespective of intent. General design is always competent. It is always admissible as corroborating the main fact. It tends to establish the main fact. Judge Hanecy made some reference, and I deem it only fair to reply to it, in reference to the publication in the Tribune about what some witness would testify to. That story was printed in every newspaper in Chicago, and was telegraphed from Springfield, and did not emanate from any conversation had with this subcommittee and ourselves. No information that was communicated to me by the subcommittee and no argument or conversation had was even disclosed by me to my client. It would not have been proper, and I think that story was not written by Mr. O'Loughlin or any member of the Tribune staff.

Judge HANECY. The Record Herald denied it this morning.

Mr. AUSTRIAN. Judge Hanecy seems to have the power of second sight. He says that H. B. Murray denies that story, and he is one

of the witnesses whom I have asked this committee to subpœna and you will know whether or not he denies it. If the story is not true it will be proven untrue. I have no concern in whether Mr. Murray denies that story or not. It was unnecessary to say he denied it.

Judge HANECY. I was informed that Mr. Murray telegraphed another newspaper that he never made such a statement. I have not brought any authorities here upon this question. I knew that at least five members of this committee were lawyers. I did not know that this question would arise, and I am not prepared at this time to cite authorities in opposition to those cited by Mr. Austrian. But the doctrine is pretty well settled, I think, that you can not prove a man guilty of one crime by proving that he committed some other similar crime on some other occasion even as against the man who is being tried; but that is not the case here. These acts that they are attempting to charge Senator Lorimer with inferentially are acts that he had nothing to do with, but that somebody else did.

Mr. AUSTRIAN. We do not contend that he had anything to do with it. If you should prove that I bribed 53 members of the legislature, and was a second cousin of Senator Lorimer and never talked with him, but gave each member of the legislature $10,000 to vote for Senator Lorimer, and 53 of them did vote for him, that that would not vacate the seat. That is not the law.

Judge HANECY. I didn't say it was, and you need not even be a cousin of Senator Lorimer.

(The committee here retired for deliberation, and upon the return of the committee the following proceedings were had:)

Senator BURROWS. Is the witness White present? If so, he can take the witness stand.

Whereupon the witness CHARLES A. WHITE, upon being further examined by Mr. Austrian, testified as follows:

Senator BURROWS. What was the question you proposed to him?

Mr. AUSTRIAN (reading):

State what took place when you met Mr. Wilson in the Southern Hotel that day.

That was the preliminary question.

Senator BURROWS. What is the purpose of that question?

Mr. AUSTRIAN. I expect the witness will answer that by stating that he was paid $900 by Mr. Wilson that day.

Senator BURROWS. The committee will permit that question to be put and the answer you say he will make, that he received $900, with the understanding, of course, that the committee will give it just such consideration as it deserves. And we want it also understood that this is not to be gone into as a precedent that we will permit general testimony touching the jack pot—the whole question of the jack pot—we will allow this witness, however, to state——

Mr. AUSTRIAN. The statement made by Judge Hanecy was that we wanted to show the source of the jack pot; we have no such an idea.

Senator BURROWS. The committee will allow the question to be answered.

Judge HANECY. I do not claim they want to go into it. I said the jack pot was gone into, that we must insist upon going into the other things.

Senator BURROWS. We all understand that your motion is pending o strike it out if, in the judgment of the committee, it is not material.

Q. Now state what took place when you met Mr. Wilson in the Southern Hotel?—A. He invited me into the bathroom.

Q. What bathroom?—A. In his room in the hotel.

Q. Did you go to his room in the hotel when you entered the hotel?—A. Yes, sir.

Q. Who was in his room when you entered his room?—A. Why, Mr. Link, Mr. Clark, Mr. Sheppard, and myself and Mr. Luke went in together.

Q. Mr. Wilson was there, or did he go in with you?—A. He was here.

Senator BURROWS. Was all this done in the bathroom?—A. In his room in the hotel.

Q. Mr. Luke, Mr. Link, Mr. Sheppard, Mr. Clark, and the Wilson ou refer to were all Democratic members of the house, were they ot?—A. Yes, sir.

Q. Mr. White, will you state what took place after you got into Mr. Wilson's room?—A. After some talk there, Mr. Wilson invited Mr. Sheppard into the bathroom. Mr. Sheppard went into the bathroom and came out, and after he came out he invited me into the athroom. I went into the bathroom, and he counted nine one undred dollar bills into my hand, and said that was all of it, and e was glad to be relieved of the burden.

Senator BURROWS. We could not understand what you said.

The WITNESS. He counted nine one hundred dollar bills into my and and told me that was all of it, and that he was glad to be elieved of the burden. He said that Mr. Browne was sick, and he ad to come down for Mr. Browne.

Q. What did you do then; did you remain in Mr. Wilson's room r did you leave?—A. I remained in Mr. Wilson's room until such ime as he was ready to go to the depot.

Q. Did any other member of the legislature who was then present n the room, whose names you have detailed, go into the bathroom fter you came out with Mr. Wilson?—A. Mr.—I stated a moment ago hat Mr. Sheppard was called in just before I was, didn't I?

Q. I think you did.—A. I was called in after Mr. Sheppard; no ne else went in there that I saw or know of.

Q. They were there at the hotel when you got there, or did they o with you?—A. They were there at the hotel.

Q. They were there when you got there?—A. Yes, sir.

Q. Mr. White, to recur a moment, at the time you say that Browne aid you this $850 in the Briggs House on this day in June, did he tate anything with reference to the amount of money he had and hat he was about to do with it?—A. Mr. Browne, on the morning e paid me the $850, had a belt about his waist that was made of lue cloth and pinned on with safety pins. I remarked at the time hat he ought to be careful going about with so much money on him. didn't know there was money in the belt at that time. The reply e made—he remarked by saying he had it in a book, in his book he day before and was standing on the street and that a man had rushed up against him and looked around as though he was angry, ut if the man had known that there was $30,000 in the book he

would not be so anxious to look angry. That was his remark in reference to that.

Q. Did Mr. Browne at any time say anything to you with reference to the amount of money he was receiving as compared with the amount of money the other members of the legislature were receiving?—A. He didn't say how much; he told me that he ought to have more than the other members, but he could not tell—he said this way, he says, "I can't tell some of the fellows that, but I ought to have more than some of the other members, because I run greater chances and take more risks."

Q. Mr. White, did you ever have any talk with Joseph Clark about his voting for Senator Lorimer?—A. Yes, sir.

Q. State what was said?—A. I met Mr. Clark here in Chicago last summer, and I met him on the boat, *Pere Marquette*, on the way to Waukegan.

Q. He is the same Joseph S. Clark who was a Democratic member of the house?—A. Yes, sir. Mr. Clark had his wife with him on that trip, and I had one of my brothers and a cousin of mine with me. When I run into Mr. Clark suddenly on the boat we went down stairs in the beer garden and sat down to a table and had a little conversation. Mr. Clark was not satisfied with the amount of money he had received from Mr. Wilson in St. Louis as coming from Browne. He told me at that time——

Judge HANECY. I object to the summing up, and ask that the witness be required to state what the gentleman said without giving his summary of it.

Senator BURROWS. The witness will do that. State what occurred.—A. He told me that he had written Mr. Browne a letter telling Browne that he was not satisfied. He told me then that he expected to come back in a few days. The night before that I met him here, and he went down on the Cincinnati, Dayton and Ironton train, and I went on the same train he went on. I had intended to go on another road, but met him on that train. We sat on the observation end of the train and talked going down. He told me in the conversation there that Mr. Link would have voted for Senator Lorimer for $500, but that he got Link to hold out, and by their holding out, they got $1,000 apiece. That is what Mr. Clark told me.

Judge HANECY. I move that that be stricken out especially on the ground that it is hearsay, what he said to Mr. Clark or what Mr. Clark said to him. We would get into all kinds of ramifications and complications upon this hearsay testimony.

Senator GAMBLE. Was Mr. Clark a member of the legislature?

Mr. AUSTRIAN. Yes, sir.

Senator GAMBLE. Mr. Link was not present?

Mr. AUSTRIAN. No, sir; but Mr. Clark was.

Judge HANECY. We can not cross-examine Mr. Clark on this, and we can not cross-examine anybody because he is telling now what somebody told him—Mr. Clark told him—that is hearsay evidence pure and simple.

Senator BURROWS. Mr. Clark is a competent witness.

Mr. AUSTRIAN. Yes; and he has been subpœnaed, but suppose he says it is not so.

Senator BURROWS. The committee thinks the proposed testimony is not material.

Mr. AUSTRIAN. The law is all one way, I think, and I would like to cite one or two authorities. In every election case the question has arisen, and it has in every case been held to be competent. That is, because there is no such thing as parties, it is an investigation as to corrupt methods and practices. I will read from the Clark case (reading):

Q. Mr. Cooney, you will understand you are to state what was said to you; if Mr. Flynn said anything to you about methods when he was a member of the legislature that would be likely to influence votes you can state what he said, according to your best recollection now.

The CHAIRMAN. Anything that Mr. Flynn said to him. Mr. Flynn is shown to have changed his vote. Now the suggestion appears to be possible that he may have been influenced to change it, that is what we are investigating. He is going to state what Mr. Flynn said to him about the methods to be used to influence his vote. We can't tell what that is until we hear it.

Mr. FAULKNER. Unfortunately Mr. Flynn is dead now.

Mr. AUSTRIAN. That is where a member of the legislature who had the conversation is dead (continues reading):

The CHAIRMAN. I am sorry for that.

Mr. FAULKNER. It is hearsay evidence entirely.

The CHAIRMAN. Suppose Mr. Flynn had said that he had been corrupted by Mr. Clark's agents, would it not have been evidence?

Mr. FAULKNER. I don't think so in any sense at all, unless he is shown to have been the agent of Mr. Clark in some way.

Mr. FOSTER. The law is directly to the contrary in England, Mr. Chairman. He was a member of the legislature.

Mr. FAULKNER. We do not insist upon the point.

The CHAIRMAN. Go on.

Mr. AUSTRIAN. That is in the Clark case, and I read from page 706 of the Clark record. During the cross-examination of Mr. Butler he was asked as to what Mr. Cooney, a member of the legislature, had told him about the use of money, and following this occurred:

Mr. BUTLER. I have been offered money myself.

Mr. FAULKNER. Mr. Chairman, I must protest against the witness telling what members of the legislature said to him.

The CHAIRMAN. What is the basis of the question?

Mr. FAULKNER. This is a part of the conversation we are getting at from both witnesses, and that is the very thing we are objecting to.

The CHAIRMAN. The testimony has been admitted to show his experience in obtaining votes by money.

Mr. AUSTRIAN. The case is full of that. Here we have two witnesses called, a member of the legislature, Mr. Cooney, who testified to a conversation with one of the members of the legislature, and Mr. Butler confirms it.

The CHAIRMAN. I think that is entirely competent.

Mr. AUSTRIAN. Mr. Tool, on page 154 of the Clark case the same question was asked (reading):

Mr. CAMPBELL. Do you remember of having met Mr. McLaughlin during the session of the legislature?—A. Yes, sir; I do.

Mr. CAMPBELL. Do you remember of having a talk with him at that time?—A. I do.

Q. About the senatorial election?—A. Yes, sir.

Q. Where was it?—A. In the barroom of the Queen Hotel.

Q. Who was this conversation with?—A. Mr. McLaughlin, a member of the legislature.

Q. Who was present at the time?—A. Nobody but Mr. McLaughlin and myself.

Mr. AUSTRIAN. He was a member of the legislature. That was objected to and it was held to be competent. That was objected to upon the ground that a statement made by Mr. McLaughlin, he being a member of the legislature, whose vote was being investigated in the absence of Mr. Clark, was not evidence against Mr. Clark, and is immaterial, incompetent, and hearsay. [Reading:]

The CHAIRMAN. Suppose the man said he had been bribed, would it be competent to show that, unless Mr. Clark was present when it took place?

Mr. FOSTER. Yes, sir; it has been held so over and over again by the court, it is not evidence against a third person.

The CHAIRMAN. The statement would affect the validity of Mr. McLaughlin's vote. It might not prove that Senator Clark knew of the bribery, but it would affect the validity of the McLaughlin vote. It is not for the purpose of convicting Mr. Clark, but for the purpose of showing that Mr. McLaughlin had given a corrupt vote.

Mr. AUSTRIAN. Now, with reference to the adjudicated cases outside of the Senate cases, the law is all one way, and it is for the reason that this is not a trial in which Senator Lorimer was a party. This is an investigation, and there are no parties. You are simply inquiring as to whether or not corrupt methods were used to influence White's vote or Clark's vote, and the declarations of Clark are just as admissible as statements made by this witness or what Browne told him when he paid him the money, when Browne made the agreement with him. That is hearsay, you can cross-examine Browne when he comes here upon it, as to what Mr. Clark said to him, supposing he and Clark had entered into that agreement instead of Browne and White.

Senator PAYNTER. If no members of the legislature had been bought at all, if any one wanted a Senator unseated, they might get people to make affidavits or give testimony and deceive the committee into unseating a member that has been voted for.

Judge HANECY. Without any opportunity to cross-examine the man.

Mr. AUSTRIAN. We have subpœnaed Mr. Clark, and every man whose name has been referred to in the testimony of Mr. White.

Senator BURROWS. Why not call Mr. Clark?

Mr. AUSTRIAN. Am I bound by their testimony?

Senator PAYNTER. Suppose Mr. White, on the witness stand, should say that ten men or seven men or whatever it is, that he would testify to this committee that seven of the members of the legislature who voted for Mr. Lorimer, had confessed to him that they had each received a thousand dollars, would you ask this committee upon that testimony to unseat him?

Mr. AUSTRIAN. No, sir; that is but one circumstance. But suppose I show that this very man Clark or some other man, whose name I need not mention now, admitted that he got a thousand dollars. Suppose I follow that up by showing that this man was antagonistic to Senator Lorimer May 25, 1909, he came out strongly in favor of Senator Lorimer; and suppose I show that that man was in the bathroom at the same time he was and got a thousand dollars at the same time he did.

Senator PAYNTER. In Kentucky a man is not permitted to tell how he votes, because it is possible for a man to deprive another of his vote. Before I can consent to any such a doctrine as that, I would like to read the cases and see the reasons they give.

Mr. AUSTRIAN. I have the books here, and I would be glad to put them anywhere you say and leave them here.

Senator BURROWS. For the time being that testimony will be excluded.

Mr. AUSTRIAN. I wish before ruling upon that you would permit me to state to you the cases I have, because it is very important. I do not want anything that is not the law.

Senator PAYNTER. Withdraw the question and go ahead with some other line of examination, and not insist upon it now and leave it for examination.

Mr. AUSTRIAN. The house has ruled upon it and the senate has ruled upon it, and the English cases have all ruled upon it, and New York and Wisconsin have ruled upon it, and I will hand you the books.

Senator BURROWS. Present the authorities to the committee.

Mr. AUSTRIAN. I would be very glad to. Now?

Senator BURROWS. Not now.

Senator PAYNTER. Leave them so we can examine them.

Mr. AUSTRIAN. I will leave them here, where you can examine them. If you will read from page 7 to page 26, inclusive, they are all cited there. I have cited them, and will leave the books here.

Judge HANECY. My motion to strike out may be made again.

Senator BURROWS. Yes.

Q. Mr. White, when, for the first time, did you disclose the transactions to which you have testified here to anyone?—A. I disclosed, I think, the same night of May 24th that I had the first conversation.

Q. When thereafter?—A. I told a number of people in East St. Louis the following September and October, I think it was.

Q. When did you—did you ever write what took place with reference to the subject-matter which you have here testified to?—A. Yes, sir.

Q. What did you write?—A. I started, I think, in September.

Q. What year?—A. 1909.

Q. About when did you complete it?—A. I completed that after the special session of 1909 or 1910; I added to it from time to time as long as it was in my possession.

Q. When did you first go to the Chicago Tribune with this story?—A. I think it was in March. I sent the manuscript down to New York City, and I think it came back about the 1st of March, and some time in March I went to the Chicago Tribune.

Q. Who sent you to the Chicago Tribune?

Judge HANECY. I object to that as hearsay, unless it was Senator Lorimer that told him.

Senator BURROWS. It does not appear that any body sent him there.

Q. Did somebody send you to the Chicago Tribune?—A. I was told to go there by Mr. Wright.

Mr. AUSTRIAN. Strike out "Mr. Wright."

Q. Answer the question, did somebody tell you to go there?—A. Yes. sir.

Q. Who?

Judge HANECY. I object to that.

Mr. AUSTRIAN. I submit this is competent. Of course, it has been contended, and it has been heard in Senator Lorimer's speech, and that is a part of this record, and the statements of counsel to the

committee that the story is one of recent fabrication, that it is perfectly competent to introduce the declarations made by the witness himself on or about the time the offense is alleged to have occurred. I have here the Fourteenth Illinois, and a number of cases I have here, and the authorities all agree that the statement of a witness made under some circumstances may be introduced for the purpose of sustaining his testimony as where he is charged with deceiving under the influence of some motive prompting him to make a false statement; it may be shown that he made similar statements at a time when the imputed motive did not exist, or when motives of interest would have induced him in making such statements. That is the Fourteenth Illinois, 468. The Two hundred and ninth Illinois, page 287; in that case they say:

As a general rule, proof of statements made by a witness out of court harmonizing with his testimony are inadmissible; but where it is charged that a story is all fabrication, or that he has some motive to testify falsely, proof that he gave a similar account of the transaction when the motive did not exist or before the effect of the account could be foreseen, is admissible.

Senator GAMBLE. Would this be admissible at this stage?

Mr. AUSTRIAN. We have the statement of counsel that his testimony was purchased, that it is of recent fabrication, the machinations of a diseased mind, etc., and I recall that counsel has made statements frequently that his testimony was purchased and was untrue and would be attacked. Counsel made that statement to-day and he made it the other day.

Judge HANECY. I do not desire to tell what took place in any executive session, and that is just what Mr. Austrian is doing. The statement was made a few days ago that this witness swore on two other occasions that he sold this testimony for $3,500—$3,250 for it and $250 for expenses—and the admission was made by Mr. Austrian, I think, that it was $3,750.

Mr. AUSTRIAN. Counsel stated that he had a photographic copy of the contract, showing that his testimony had been purchased.

Senator BULKELEY. Not here to-day.

Mr. AUSTRIAN. It was in the application for a continuance.

Senator GAMBLE. He may not carry his charge into execution, he may abandon it.

Mr. AUSTRIAN. He carries it into execution where he says he will cross-examine them, and show he made statements out of court by admissions to other people, and show his testimony is untrue. He made that statement to-day.

Judge HANECY. That does not justify taking the testimony out of order.

Mr. AUSTRIAN. There is no such thing as order in this investigation; but it is a self-serving declaration, if you want to call it such, and the rule is that self-serving declarations can not be introduced except where it is claimed that the story now told is a recent fabrication or that he has motives, or that it was purchased or something of that kind. That is the only exception to the rule where you can put in the declarations made by a witness himself to substantiate his story. He says they bought the story the 30th of April, 1910. Counsel made that statement—that they published it the 30th day of April and purchased it some time before, and he says he has a photographic copy of it.

Judge HANECY. We have the original contract that this man swore he signed, and when we offer that——

Mr. AUSTRIAN. The contract will be offered by me. On the 30th of April this contract was made; there is no dispute about that. He says that it was purchasable evidence; that it was corrupt. He did not say it in so many words; he says he has a motive, and Senator Lorimer in his speech, which is a part of this record, charges that this testimony was created by reason of an unlawful conspiracy entered into between this man and the Tribune and other parties whose names I need not mention. And they furthermore charge that the story was not written by White but was written by a lawyer, or every word passed on by a lawyer. I can show under that state of facts, which is a part of the record in this case, that he made statements months and months before he ever sold his story, as counsel put it, or before he ever made a statement to the Tribune or anybody else, that he wrote this admission of his own crime months before it was ever taken up and published by the Tribune. As the supreme court of Massachusetts said in the Seventy-sixth Massachusetts or Tenth Gray, page 489:

> The decision of the point raised in this case is not to be understood as conflicting with the class of cases in which the witness is said to be impeached by cross-examination or independent evidence tending to show that at the time he gave his evidence he was under strong bias, or in such a situation as to put him under a sort of moral duress to testify in a particular manner. In such cases it is competent to rebut the testimony of such witnesses or support the credit of the witness by showing that he was under no such bias or when he was free from any influence or pressure that he made statements similar to those which he has given at the trial.

When under no influence and when he had not received any money or promise of reward he made similar statements. Again, in California the same rule is adhered to. It is the law and there is no rule against it, where it is contended that a witness's statement is of recent fabrication or he has a motive or the payment of money, you can show that when he was not under duress or being rewarded, he made similar statements. We propose to show he did not know the Tribune when he wrote this story. We propose to show the story as written is the same story he has told us upon the witness stand. Why? That does not eliminate the fact that his evidence is clear by reason of money being paid to him by some one. Suppose I show, Mr. Chairman, and gentlemen of the committee, that he expects to show by Mr. Browne himself that he asked Browne to come and help him expose corruption in the legislature. Does not that tend to gainsay the charge of conspiracy made by Senator Lorimer against this man in the Chicago Tribune? Does not that tend to lend credit to his statement in view of the statement made by counsel that it is of recent fabrication, concocted and conceived and born and given utterance only in the Chicago Tribune, because it purchased it? It is one of those self-serving declarations that every case in the books holds are proper, and I would like to have counsel produce one case upon this proposition.

Senator BURROWS. The committee adheres to its decision that the testimony is not competent at this time.

Mr. AUSTRIAN. Mr. White——

Judge HANECY. Just a minute. Mr. Chairman, the motion to strike out will be sustained, will it?

Mr. AUSTRIAN. He did not answer it; there is nothing to strike out.

Senator BURROWS. It was not answered.

Judge HANECY. I thought he did tell what he said to some parties, and he was going on further with it when I objected.

Senator BURROWS. If he did, it may be stricken out.

Judge HANECY. Very well; that is all I desire.

Mr. AUSTRIAN. Mr. Chairman, it is now 12 minutes to 5. Would you mind adjourning just twelve minutes ahead of time?

Senator PAYNTER. I want to ask you a question. Do any of these cases to which you have called the committee's attention hold that a voter could confess that he had received a bribe?

Mr. AUSTRIAN. In some of my cases, yes; but I would not be sure about that. I think so, but I would not be positive. In think in the case cited by Senator Hoar, I think that very question was passed upon, but I would not be sure about it.

Senator PAYNTER. These other questions, stating as to how they voted?

Mr. AUSTRIAN. Well, I would not want to be bound by that statement, Senator, because I disremember at this time; but I can refresh my recollection and tell you later.

It is just ten minutes ahead of adjourning time now, and I would like to go over my notes, if we may adjourn.

Senator BURROWS. The committee will adjourn until to-morrow morning at 10 o'clock.

(Whereupon an adjournment was taken until the following day, Tuesday, September 27, 1910, at 10 o'clock a. m.)

TUESDAY, SEPTEMBER 27, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

The committee met, pursuant to adjournment, at 10 o'clock a. m., and the following proceedings were had:

Senator BURROWS. The committee will please come to order.

Mr. AUSTRIAN. Mr. Chairman and gentlemen of the committee, I would like to have the privilege of presenting some additional authorities on the question that we had under advisement when we adjourned last night, and I wish to call your attention especially to one in which the Senator from Kentucky, I believe, sat in the case. I desire to cite that case.

Senator BURROWS. On the question of the competency of this testimony?

Mr. AUSTRIAN. Yes; of this testimony.

Senator BURROWS. The committee will hear you, briefly.

Mr. AUSTRIAN. I will be very brief.

Senator BURROWS. I want to say to counsel that whatever they have to say to the committee on these various points should be as brief as possible.

Mr. AUSTRIAN. Yes. After we get through with this preliminary discussion and a rule of procedure is laid down, then I think there will be no further question about it.

Senator BURROWS. Very well; you may proceed.

Mr. AUSTRIAN. I will not refer to the rulings set forth in the memorandum, because I assume those have been looked up by those who examined the question.

In the Kentucky case, in which the Senator from Kentucky sat as one of the justices of the supreme court or the court of appeals of Kentucky—although he did not write the case he sat as one of the judges. It is the case of Tonks *v.* Vincent.

Judge HANECY. Will you give me the name of that once more, please?

Mr. AUSTRIAN. Tonks *v.* Vincent, a decision handed down on the 13th of June, 1899, by the court of appeals of Kentucky. It was a contested-election case, and it is found in the Fifty-first Southwestern Reporter, at page 622.

The undertook to contest the election for some office, just which office has escaped me now, but it was county clerk, I believe—the county clerk of Edmonson County. They undertook to show how certain voters had voted at the election for the purpose of disqualifying the vote. One of the questions first discussed was whether or not notice of the contest was sufficient. Then we come to the discussion of a kindred question to the one now under consideration, it being borne in mind by this committee that we are not seeking to show how a voter voted, because the vote in Illinois is viva voce in the joint assembly, and it is not a secret ballot, and we are not undertaking to show how any man voted.

We are simply undertaking to show not whether or not he was qualified to vote or whether there was any corrupt methods used for the purpose of influencing his vote. On the question of whether or not it is competent to show under the Australian ballot system, or under any system which requires a secret ballot, how a voter voted—I say that that really has no place in this discussion. There the court said, in passing upon this question:

> It is insisted for appellant, at the threshold, that under our election system there can be no inquiry as to the casting of the legal votes, because the action of the precinct officers is final. We can not think so. The question in all election cases is which candidate has received the highest number of legal votes. And, except so far as the investigations of judicial tribunals on his behalf is restricted by positive mandate, the usual and ordinary methods of ascertaining the truth should be followed, and, where it can be done, every illegal vote should be thrown out. The two votes rejected by the lower court were those of Dick Dunne and Jesse Crawley. The proof as to the legality of each of these votes is conflicting, and we find no good reason for disturbing the findings of fact as certified by the trial judge. The preponderance of the proof is that Dunne was not a resident of the precinct when he voted, and if Crawley was—which is doubtful—it is clear he was under 21 years of age at that time. A more difficult question is presented when we seek to ascertain for whom Crawley voted. As to Dunne, there was no difficulty. His vote was challenged, and, while he was permitted to vote, his ballot was not put in the ballot box, but was preserved until the close of the election and then counted for Tonks.
>
> The testimony as to this is uncontradicted, and we think it is competent. Dunne was an illegal voter, and the law as to the secrecy of the ballot can not be invoked to protect his ballot. As aptly held by the learned judge below, an illegal vote is no vote, and if it gets in the poll books and in the returns it should be stricken out whenever it can be ascertained by sufficient and competent evidence, and it should be taken from the candidate who received it whenever that fact can be made clearly to appear by competent and legal evidence. As Dunne was an illegal voter, the uncontradicted testimony as to how he voted is competent, and his vote was therefore deducted from Tunks's total vote. We have seen that Crawley was an illegal voter, but when we come to ascertain

how he voted an interesting question is presented. He was introduced as a witness for Tunks, and testified on cross-examination that he was a Republican, this being his first vote. When he was asked for whom he voted he expressed a willingness to answer, but counsel for Tunks objected and told him not to answer. He then declined to answer. It was shown by other testimony, the competency of which was challenged, that he said before he voted that he intended to vote the Republican ticket except in one particular, not important here, and, after the election, that he had so voted. Several witnesses so proved, and Crawley in no way contradicts their statements.

We regard the proof that the witness was a Republican as competent testimony, and, further, that he was himself a competent witness to prove how he voted, and might be compelled to testify as to how he voted, unless, indeed, he declined upon the ground that such testimony would incriminate himself. Judge McCrary, in his work on elections (2d ed., par. 457–459), very clearly lays down this rule as supported by the authorities. He concluded by saying: "It is very clear that the rule which, upon grounds of public policy, protects the legal voter against being compelled to disclose for whom he voted does not protect a person who has voted illegally from making such disclosure. To give that rule this wide scope would be to make it shield the right and the wrong, the honest and the dishonest." The witness offered to answer the question as to how he voted and was prevented only by the objection of Tunks; and this, in connection with the proof that he was a Republican, would seem to afford prima facie grounds for concluding that he had voted for Tunks. Mr. McCrary, in section 458, says: "And when a voter refused to disclose or fails to remember for whom he voted, it is competent to resort to circumstantial evidence to raise a presumption in regard to that fact," citing People *v.* Pease (27 N. Y., 45) and Cush. Parl. Law, paragraphs 199–210; and the same author says it is also competent to prove that the alleged voter was an active member of a particular political party or obtained his ballot from a person supporting the particular candidate or ticket. We are not inclined to follow what may be conceded to be the rule approved by a preponderance of authority, to the effect that Crawley's declaration as to how he voted is competent.

Now, Mr. Senator from Kentucky, there is where you said, "We are not inclined to follow what may be conceded to be the rule of proof and preponderance of authority to the effect that the declarations as to how he voted are competent." We think these statements are hearsay. You said in Kentucky that you are not in favor of following it, but you did say in that case, and I know after mature reflection and consideration that the preponderance of authority was in favor of admitting it. Now, that is as to declarations how a man voted. Now, we are not asking you to receive evidence here of declarations as to how a man voted, simply because it was a secret vote. Here it is an open viva voce vote. We are only asking you to receive declarations as to what prompted him or what was the moving cause that made him vote that way. Now, here is a note, a very full note, and one that is very frequently referred to.

Senator PAYNTER. May I hear it, Mr. Austrian?

Mr. AUSTRIAN. What is that?

Senator PAYNTER. May I hear it?

Mr. AUSTRIAN. Yes; it is on that page [indicating]. I have another authority in which you did write along the same line, in the Thirty-first Southwestern, that I thought was here, but my assistant did not bring it.

In another case, the case of Spear *v.* Coate (S. C. Law Reports, McCord, vols. 3 and 4, p. 143), this note is cited, I believe, with reference to an election dealing with this question.

Judge HANECY. What is the page, please?

Mr. AUSTRIAN. I beg your pardon, it is 143. I read from the twenty-second note, which cites the cases in full. There are English

ses, and the House of Commons, by the way, is probably the only ace where viva voce votes are taken upon questions in any way rallel to this, and I cite it and submit to you the volume of the rious English cases upon this subject, with none to the contrary.

The declarations of a voter may be given in evidence to set aside the election; to diminish the poll, by taking an incompetent vote off, or to prove bribery, c., but they are not admissible on a charge against the candidate for bribery, c. They are admitted to annul votes, but not to set aside the election by disqualifying the member on account of his bribery, etc.

In other words, if it was charged or attempted to be proven by is witness that Mr. Lorimer directly paid him the money, it being s act directly, it would not be competent to prove by John Jones er on the street that Smith, the legislator, told him that he had en bribed, but it is competent, they said, "they are admitted to nul votes. They are not admissible on a charge against the ndidate for bribery." The last case that is referred to is the haftsburg case (3 Douglas, 150). It is a case cited in every book this question. It is, "Money to the amount of several thousand unds had been given among the voters, in sums of 20 guineas a man. he persons who were intrusted with the disbursement of this money, d who were chiefly the magistrates of the town, fell upon a very gular and a very absurd contrivance, in hopes of being able ereby to hide through what channel it was conveyed to the electors. person concealed under a ludicrous and fantastical disguise, and lled by the name of Punch, was placed in a small apartment, and rough a hole in the door delivered out to the voters parcels con- ning the 20 guineas, upon which they were conducted to another artment in the same house, where they found a person called nch's secretary, and signed notes for the value, but which were de payable to an imaginary character, to whom they had given the me of Glenbucket. Two of the witnesses called by the counsel for e petitioner swore that they had seen Punch through the hole in the or, and that they knew him to be one Matthews, an alderman of haftesbury, and, as the counsel for the petitioner had endeavored to ove, an agent for the sitting members."

On the part of the petitioner witnesses were called to prove declarations of ers who, at the poll, had taken the bribery oath that they had received nch's money. This was objected to by the counsel on the other side, but the dence was admitted.

Now, I am not going to make an argument. I have produced at st 15 or 20 authorities. I have not tried to argue this question upon inciple. I have argued it upon precedent, and I have not seen nor ard of a single precedent. Now, the rule of law is as laid down in e cases I have cited, and the rule of procedure so held in every in- stigating committee and subcommittee of the United States Senate on privileges and elections, and you say the strict technical rules ll not be adhered to. Now, all I ask is that the strict technical les of law be adhered to. I ask it respectfully, and I urge it spectfully. But if you adhere to the rules heretofore made, that e strict technical rules will not be adhered to, but you will seek rrupt methods wherever they may be, and you will regard what competent and disregard what is incompetent, I will ask nothing re than to have you receive this testimony at this time. I thank u.

Judge HANECY. Mr. Chairman, and gentlemen——

Senator BURROWS. Judge Hanecy——

Judge HANECY. This is not a contested election. This is a charge that Senator Lorimer obtained or holds his office by bribery and by corrupt practices.

Now, if Senator Lorimer were indicted, if there had been a direct contest of his seat, this testimony that they asked for here would not be competent under the last authority cited. It would not be competent in any case.

This is an effort to show by this man White that he was bribed. He says he was. There is nobody disposed to show that he is purer or better than he says he is himself. But he is then trying to corroborate his testimony by showing that somebody else situated as he was, as a member of the legislature or the joint assembly, did the same thing that he did.

In other words, he is trying to corroborate his testimony, the testimony that he has given here, by telling this committee that somebody else said to him that they, too, had received money for voting for Senator Lorimer.

In other words, he is trying to corroborate his own testimony. Senator Lorimer, it is true, is not the defendant here. But the charges are against Senator Lorimer and not against Mr. White and not against somebody else. So he is in effect the defendant here, against whom they are trying to introduce the testimony—hear-say evidence—to corroborate the man who himself says that he received this bribe. Now, he can not corroborate himself by any such testimony as that, and there is not any case in the books that holds that he can.

Senator HEYBURN. Do you think it is offered for the purpose of corroborating his testimony? Isn't it offered as independent testimony?

Judge HANECY. I don't know, Senator Heyburn, whether it could be differentiated and said to be independent testimony or not. I do not believe that it can. I think that it is offered for the purpose of corroborating his testimony. If it is independent testimony, it can not be competent in these proceedings in any charge, or rather in support of a charge, that Senator Lorimer obtained his election or now holds his office by bribery and by corrupt practices. If that be so, then any number of men can get together and unseat your honor, or any other member of this honorable commission.

Senator HEYBURN. I merely interrupted for the purpose of drawing attention to the fact that it was not necessary to classify it as "corroborative testimony." Then, its weight——

Judge HANECY. It is not material by what name you call it. It is the purpose for which it is used. It is the manner in which it is offered, and it is offered here in a charge against Senator Lorimer that he holds his office by bribery and by corrupt practices. The specific charges were filed here, and the parties who filed these specific charges and those back of them came before this honorable committee and asked to be represented directly by counsel. The Legislative Voter's League, through Clifford A. Barnes, and the Tribune—the Chicago Tribune back of them. Clifford A. Barnes said to this committee that he had not the means of gathering the testimony. He said he did not have the testimony. He made an open statement here

the meeting that he did not have the testimony to support the arges that he made before this committee, and that are now before committee for determination in these proceedings here as referred in the Congressional Record. The Congressional Record shows his arges and the indictment against Lee O'Neil Browne, which was n pending and had not then been tried. It had not been disposed by the judicial tribunal to which it was addressed and that had nplete jurisdiction over it. He filed that indictment in the charges e against Senator Lorimer for the purpose of showing that Sena- Lorimer is the man charged with profiting by the offense that hite and the others say they committed.

Now, there are specific charges here. This is not a commission gatory that is going around searching for something by which y can unseat Senator Lorimer or by which they can smirch Sena- Lorimer. Whatever the purpose of the prosecution, so called, ght be, or the persons or person who presented these charges, t is not the purpose of this committee. This committee is acting on certain specific charges which were presented to the honorable ly of which you gentlemen are honorable members, and the charges specific in all their details.

Now, they come here and they ask permission to present authority l to present their evidence in support of those charges, and the n who swore to the charges has said to this committee that he had any evidence whatever to support them. If he had not any dence when he swore to them, then he swore to a lie when he ore to his complaint, because a man who swears to a thing that knows is false is committing perjury; and the man who swears a thing that he does not know anything about and who says ngs in an affidavit that he does not know anything about, why ay that he is equally guilty of perjury. So that this man states e to this committee that he has no evidence, and if he has not now, y, he had not when he made that affidavit any evidence to sup- t the charge that he asked this honorable committee and the ate of the United States to investigate.

Now, they come in here and they put on another man here who, will satisfy this honorable committee, is not as truthful as fford W. Barnes, because Mr. Barnes did come in and tell the th. He said he did not know, or said rather that he did not have, evidence whatever against Senator Lorimer, and they put into tion the greatest legislative body on earth, the Senate of the ited States, through this honorable committee, to investigate the rge that he knew at the time he made it was false, and that is at this committee is here investigating. They have put on one the men here that has admitted that he committed three felonies— t he accepted a bribe, he was a bribe taker, and he was guilty of lfeasance in office—and he was guilty of perjury, as I will show the statutes of this State. He has committed three felonies here. en he swore to these things in the criminal court it was perjury, l when he swore to them here, because it is equally perjury here, l it is clear malfeasance in office if he did these things he said he , and he said that he did all of those things for a thousand lars.

Now, this committee is asked, on the standard that he fixes for nself, and it could not be lower—he could not have done worse

things than he did except to commit murder—and now this com mittee is asked to take his statement that somebody else told hin that that somebody else received a bribe, or was at least one-thir as base as this witness himself swears himself to be. He is tryin to corroborate his testimony.

Senator GAMBLE. I take it, Judge, that that was directed for th purpose of impeaching the vote of——

Judge HANECY. Well, that is, Senator——

Mr. AUSTRIAN. Representative Clark in that particular instanc

Senator GAMBLE. Clark's vote for Lorimer should be excluded— proof to be produced in that behalf. That was my understanding o the purpose of the testimony.

Judge HANECY. The devious ways of the prosecution or peopl presenting it are such that I can not define, and I submit there is n member of this committee, however learned they may be, who ca define for any continuous period of time just what their purpose is.

Senator HEYBURN. Judge, the inquiry arises in my mind whether i would make any difference as to the admissibility of this testimon should we consider it corroborative or as independent testimony.

Judge HANECY. That is just what I refer to, just what I referre to a little while ago, Senator Heyburn. It is not material by wha name you call it. But, the rule of evidence, and rule of law is estab lished by a long line of authorities to show that it is not competen for that purpose, and if it is not competent for that purpose, it is nc competent for any purpose, because if they want to use it for on thing—they say it is a contested election. There is no contest of a election here. The question is whether a member of this honorabl body has done dishonorable things which would preclude him fro continuing to sit in that honorable body; and, he is notified that th charges against him are bribery. The charges are specific.

Now, if I may be permitted to call the attention of the commi sion to a few cases, I am not going to read from the books, but I wi read extracts and be very brief. I will read extracts from the book and not of any one State, but several, and the law is practicall uniform.

> Evidence corroborative of the testimony given by an accomplice must tend prove the defendant's guilt, and not merely corroborative of the accomplice. must extend to something connecting it with the offense. It must extend b yond the corpus delicti which the accomplice may be expected to relate. Bishop Crim. Proc., sec. 1170.)

Now, let me say, if the committee please, that the question here i can the witness, who is testifying, create the conditions that he ma refer to afterwards for the purpose of corroborating himself? Ca he tell the story and then say or create inanimate objects, or anima objects that can talk, and then refer to them or bring them in throug his own statements, or by bringing in the persons or the things th will tend to corroborate him? There is not an authority in the book which I have been able to find, that holds that he can? There a authorities which hold that where a witness attempts to corrobora himself by showing by other witnesses that he did not prompt by other facts that he did not create that there is truth in what h said, but he can not do that on any collateral matters. The corro oration must be, not that somebody saw him at a certain place, n that they saw him do certain things at a certain time, but that t

facts that he seeks as corroborative facts must corroborate the facts or offense and be not collateral matters.

Bissert was a policeman, arrested in New York for accepting a bribe of $500 to protect Lena Schmidt, who was running a house of prostitution. Lena Schmidt drew from the bank, a few days prior to the alleged offense, the sum of $450, but that is not testimony tending to corroborate the testimony of Lena Schmidt against Bissert. (People *v.* Bissert, 75 N. Y., 630–631.)

Now, in this case Lena Schmidt testified that she had paid to the defendant $500 as a bribe to permit her to carry on her vocation; and to corroborate her she testified that she drew from the bank, or she attempted to testify, that she drew $450 at that time to pay this man. The supreme court held that it was not competent, or rather the court of appeals of New York.

Page was on trial for rape. The accused had admitted insulting the prosecutrix, but the fact that he had admitted insulting her is not admissible as tending to corroborate the prosecutrix, since there was no necessary connection between the insults and the felony charged.

Senator Gamble. Your argument is directed to the propositions of the admission in evidence of the purported statements that were written by the witness on the stand. I suppose in that matter that the committee had disposed of that at the other meeting.

Mr. Austrian. We hadn't offered it.

Judge Hanecy. While it is true, Mr. Senator, that this may be broader in its scope than defeating the object of the people offering the testimony, it is nevertheless competent here. It does go to that question also, that this honorable committee disposed of, and without much difficulty and without the citation of authorities. These authorities go to this new question as well as the one that this committee disposed of yesterday.

Senator Gamble. That is the declaration of the witness?

Judge Hanecy. That is the declaration of the witness White as to what Representative Clark stated, what Representative Clark and several others said to him.

In this case just cited they could not prove the act of a defendant in insulting the prosecutrix. He did insult her, and there is no dispute about that. But they wanted to prove that in the charge against him, and it was attempted to prove it, and it was admitted by the trial court, the court of first instance, but the supreme court held that it was not competent, and it was reversed.

Senator Heyburn. It was admitted as a matter of inducement.

Judge Hanecy. No; but for the purpose of showing the direct results of the charge and incriminating circumstances, and showing that he did insult the prosecutrix, and then he was charged with committing rape. They wanted to prove, for the purpose of proving the charge of rape, they did prove the insult to the prosecuting witness, and the supreme court held that it was not competent, because, while that was an act of the defendant himself, it was equivalent to language of the defendant, because he speaks by his acts as well as by his words. Still it was not evidence of the crime or the offense that was then being investigated, and they reversed the case.

The rule in such cases is that the corroborative evidence, whether consisting of acts or admissions, must at least be of such a character and scope to prove the guilt of the accused by connecting him with the crime. (Under Hill's Evidence, sec. 74.)

The fact that the prosecutrix, in an indictment for seduction under a promise of marriage, gave birth to a child thirteen months after the alleged promise was made, although it tends to show that the prosecutrix had had intercourse with some man, yet it does not tend to show that that man was the defendant. She testified to these facts, that at a certain time that she did give birth to a child, and they wanted to put that in and they did put it in at the trial in the first instance as evidence against the man who was charged with the paternity of that child. (People *v.* Kenny, 110 N. C., and 17 N. E. Rep.)

The corroborative evidence consists of some evidence, consists of some fact deposed to, independently altogether of the evidence of the accomplice, etc.

Now, this man is an accomplice. He said the other man is an accomplice. In what? In the election of Senator Lorimer. This witness, White, says that he, Clark, and Link, and others were all acocmplices in a particular enterprise or scheme.

Senator HEYBURN. Can men acting each independently in voting for a candidate be termed "accomplices" in the election of the candidate?

Judge HANECY. That is just exactly what Mr. Austrian wants to argue to this committee all through, that there is a scheme, there is a gang who take money and who took money from the jack pot and who acted to hold up legislation and to put through legislation, and for that very reason he argued to your honor and to the other gentlemen of this committee that they were all accomplices, and because they were all accomplices that the evidence against all of them is competent here; and I thank you, Senator Heyburn, for suggesting that, because it is absurd in itself, but that is the very contention and that is what they are presenting to this honorable committee, that they are all accomplices. They say more than that—that they were all a gang of schemers, and therefore that everything each one of these men did is not only admissible against themselves but against those who were in that combination and against everybody who had anything to do with any of the things which were enacted or put into effect by these men.

In other words, they argue here, and it is their entire position—and take that out and there is nothing else left to their position on charges—they say that if the Illinois Central, or the Santa Fe, or the Northwestern, or the Chicago, Milwaukee and St. Paul, or any other of the great lines in Chicago here, or pass through Illinois in the same way—if any of these railroad companies put money into the jack pot or if they were doing the necessary to kill legislation, if they were held up by any of these men who are called members of the gang and were forced by necessity or by any other extremity to put money into the jack pot, they say that Senator Lorimer is bound or is tainted by the acts of every one of these men.

Senator HEYBURN. The act of voting for United States Senator by a member of the legislature is a duty. The manner of performing that act might or might not be corrupt, but the act is not corrupt in itself.

Judge HANECY. The act itself is not corrupt; that is right.

Senator HEYBURN. Corruption could not go farther than the manner of the performance of the act.

Judge HANECY. That is right, and I agree with your honor very fully on that, but they say that everything that these men did in other enterprises, in holding up railroad companies, or corporations or firms, or individuals to get money into a fund that they afterward

participated in—why, they say that is chargeable to Senator Lorimer and he must suffer by it, although he may never have known any of these people or anything which was done. In other words, they say he is chargeable with what the different corporations, firms, and individuals did, and members of the legislature. This is their contention, and that is their whole case. You take that out of it and this case would never have commenced—it would never have been commenced; we would never have been brought here, and this honorable committee would never have been asked to hear the case with that element eliminated.

Corroborative evidence consists of some facts deposed and independently altogether of the evidence of the accomplice. It is independently altogether of the evidence of the accomplice, which, taken by itself, leaves the inference not only that a crime had been committed, but that the prisoner is implicated in it. (Roscoe's Criminal Evidence, p. 122.)

Now, in many of the States of the Union, no man can be found guilty by a jury or a court on the uncorroborated evidence of an accomplice. But, in the State of Louisiana, that is not the law. In that State the accomplice may give testimony which will convict the defendant. That alone will convict him. (State *v.* Callaghan, 47 La., 444.) I have that case here, and it is a leading case. It discusses every case that probably was in existence at that time.

Senator Paynter. The civil law is the basis in Louisiana——

Judge Hanecy. The civil law, and not the common law, is the basis of the law in Louisiana, but the statute there, as here, has changed the common law in many material respects. Here the common law is the basis of our law, and is in force, except as changed by the statutes of Illinois.

In the case of the State *v.* Callaghan, it was shown upon the trial that he received $500 as a member of the city council of New Orleans. An alleged accomplice, one Widney, who was the agent of the Pennsylvania Coal Company, testified directly to the charge. On behalf of the prosecution a check for $500 was offered in evidence and the stub in the check book—Widney being the bookkeeper for the Pennsylvania Company. The said check was not delivered to the defendant Callaghan. The check and stub were not offered in evidence as a part of the examination in chief of said Widney. On the examination of the said Widney by the city council the basis for an impeachment of said Widney was laid. Upon the redirect examination, counsel for the State handed Mr. Widney a check book, and asked him whether the stub—the check for $500 mentioned in his testimony—was drawn for the purpose of getting money that was paid to the defendant. Over the objection of counsel for the defendant Widney was permitted to testify that eight days after the drawing of the check for the payment of $500 to the defendant that he entered the payment of the $500 on the books of the said company. Thereupon, over the objection of counsel for the defendant, the said entries in the cash book were offered and received in evidence, and are as follows: Check mark in red, 93, November 15, R. D. Wood & Co., city council, $250; improvements, $250. In the course of the direct examination of Widney it was disclosed that the writing on the stub and check book was in the hand of Widney, and also the entry in the cash book was in the handwriting of the bookkeeper. The red marks on the stubs were also in the handwriting of the bookkeeper. Thereupon the said

bookkeeper was called by the State over the objection of defendant's counsel, and answered that the entries in the cash book were made by him under the direction of Widney as agent for the coal company. Counsel for the State admitted that the entries were made in the book under the direction of Widney, but that they were inadmissible for the purpose of corroborating his (Widney's) statements or fixing the guilt of the defendant. But when the basis had been laid for his impeachment they became admissible for the purpose of sustaining the veracity of Widney. This question that is presented to this honorable committee, they say, even for the purposes of impeachment, that it is not competent. It was held that the trial court improperly admitted any evidence of the entries in the book of the Pennsylvania Coal Company over the objection of defendant's counsel, and that the admission of the same was reversible error.

The corroboration of the acts of an accomplice. Where the issue is whether any corroborative testimony is competent to sustain an accomplice that does not confirm his testimony as to the guilt of the prisoner. It is stated in the bill of exceptions that the evidence was admitted, not to fix the guilt of the accused, but to confirm the witness's narrative as far as possible and to sustain his veracity. The only tendency of the entries is to show that the accomplice told the truth in respect to directing the entries, and that they were made. To that extent they have not the remotest tendency to fix the guilt of the accused.

This is a Massachusetts case, and Judge Gray's exposition of the law is correct. Surely the evidence falls within the prohibition so clearly enunciated that the testimony of the accomplice as to the facts stated by the witness has no bearing on the guilt of the prisoner. Judge Gray held that no such testimony could be admitted to corroborate an accomplice, that it was incompetent and irrelevant in his view unless it tended to prove the guilt of the accused.

Senator BURROWS. Do you care to be heard at any greater length?

Judge HANECY. Not if this committee does not desire to hear from me.

Senator BURROWS. We shall have to fix some limit to discussions upon objections raised by counsel.

Judge HANECY. I am not arguing on the question that this honorable committee sustained my objection to yesterday. But these cases all go to the testimony that is now offered and which has been presented to this honorable committee. They are not all election cases, but we do not have to have election cases to establish a principle of law. The principle of law is the same on a trial or in an investigation to determine a certain fact or facts.

Senator BURROWS. Exactly. The chair is not disposed to cut counsel off, but we shall have to proceed as rapidly as possible.

Judge HANECY. For that reason I have not attempted to read the cases, but to give the pith of them. I am going to hurry through, but I will not proceed further if this committee thinks I should not. I have not spent as much time as the other side has.

Senator BURROWS. Judge, will you pardon me, but the committee does not care to hear further upon that point at this time.

Judge HANECY. All right, Mr. Chairman, if you will permit me to refer to one case more on the question of hearsay and elections. On the trial of contested county seat elections, a witness can not be al-

lowed to state what other persons not parties to the record told him subsequent to the election as to the number of times and the names under which they claim to have voted. That is directly this question. And where testimony has erroneously been received which may have influenced the court or jury in finding a verdict, the error can not be considered immaterial. That so much of this testimony as purports to give the statements of third parties as to the number of times and the names under which they voted in hearsay and incompetent seems to us clear. This is the testimony of what other persons told the witness, persons not parties to the suit, so that their admissions could be receivable. The declarations were not made at the polls to persons conducting the election so as to make parts of the res gesta, nor did they accompany the principal fact which they serve to qualify or explain. This is the other branch I was citing authorities on. They are simply the statements concerning past transactions by strangers to the record, and they come within none of the exceptions to the rule which excludes hearsay testimony. It was perfectly legitimate and competent to prove the casting of fraudulent votes, but it was not competent to prove that fact by the statements of the parties who claimed to have cast them. (9 Kans., 387.)

There are many other cases to the same effect.

Mr. AUSTRIAN. May I have two minutes?

Senator HEYBURN. No, sir.

Senator BURROWS. The committee has already determined the exact question before the committee, and adhere to that ruling. The chairman desires to cite the case that was cited by the Senate on May 20, 1876, bearing upon this question. The members of the Committee on Privileges and Elections were Senator Morton, of Indiana, Senator Logan, of Illinois, Senators Carpenter, Alcorn, Mitchell, Wadleigh, Hamilton, and Saulsbury. The committee in their report say:

> Upon the other branch (there are two branches in the case, one for corruption and the other was there a legal quorum of the legislature) and this was upon that branch as to whether Mr. Spencer, or his friends, had been guilty of bribery, corruption, or other unlawful practices in securing his election, the committee made faithful and diligent inquiry. Mr. Morgan, counsel for the accusers, subponaed and examined many witnesses, and, after the testimony was over, supported the charge against Mr. Spencer by a lengthy argument.
>
> Those charges were not proven in any respect. No witness testified that Mr. Spencer had given directly, or indirectly, or offered to give money, or anything of value, in consideration of votes, or support, in the Alabama legislature; nor was it shown that any of his friends had done so. Some hearsay testimony was offered to the effect that certain persons had said that they had received money in consideration for voting for Mr. Spencer for the Senate; but this testimony was ruled out by the committee. The persons alleged to have made these statements were competent witnesses, but were not produced, nor was it proven that any money had been paid to them for such a purpose by anybody, whether a known friend of Mr. Spencer or not.
>
> The counsel for the accusers complain strongly of the rejection of such testimony; but its illegality and worthless character were too plain to require argument, and had it been admitted, it might have contributed to make some scandal, but would have proved nothing. Attempts were made to offer the hearsay statements against Mr. Spencer of persons who were not shown to have been engaged with him in any conspiracy to procure his election by corruption or undue means, and by whose statements made in his absence he could not be bound by any known principle of law, which were also rejected by the committee.
>
> While hearsay evidence was thus excluded, the door was thrown open widely to prove the payment of money by any person to any member of the legislature or to be used with the legislature to procure Mr. Spencer's election, by any person, whether such person was shown to be a friend of Mr. Spencer or not.

The committee deem it unnecessary to go into the full details of the case, and having thus given the general result, beg leave to be discharged from the further consideration of the case.

That bears directly upon this question, and the authorities cited by counsel yesterday have been examined, as stated by the chairman; upon those authorities the committee adheres to its decision.

Mr. AUSTRIAN. May I ask one question?

Mr. BURROWS. Yes, sir.

Mr. AUSTRIAN. In the Clark record the Spencer case was cited in 1873 and the Clark case in 1899. The Committee on Elections in that case did not adhere to the doctrine of the Spencer case.

Senator PAYNTER. I would like in a very brief way to call attention to some of the authorities that were cited yesterday for our conisderation upon this question. I do not recall the case that counsel called attention to by the Kentucky court of appeals. I may or may not have presided in that case; but even if I did, I do not think that case should control the committee in this case. I can not say but the testimony may have been competent as to the declaration of a voter, at the time he voted as a part of the res gesta, but I do not commit myself to that doctrine, and at the same time I can see that the court have placed it upon that ground. I would be very sorry indeed to perpetuate an error even though committed by the Kentucky court of appeals. The courts of last resort in this country do not hesitate to review any cases that they had previously decided, and the books are full of cases that have been overruled by the Supreme Court and the state courts. I do not think the question decided in that case is similar to this.

Yesterday one of the counsel made the statement that the proof of what Representative Clark stated to the witness, White, long after the legislature had adjourned, it occurred to me that it was not competent to prove those statements, and it strikes me that there could be no authority to sustain such a proposition. I have the authorities cited upon that question, and have taken occasion to examine them.

I have before me (9 Kent) an opinion delivered by Judge Brewer, afterwards justice of the Supreme Court, in which he discusses that question. They sought to prove in that case, and did prove, perhaps in the court below, that a certain man had stated that he had voted in a certain way. In delivering the opinion of the court Judge Brewer said:

That so much of this testimony as purports to give the statements of third parties as to the number of times and the names under which they had voted is hearsay and incompetent seems to us clear. It is the testimony of what other persons told the witness, persons not parties to the suit, so that their admission could be receivable. These declarations were not made at the polls by persons conducting the election, and so as to make part of the res gestae; nor do they accompany a principal fact which they serve to qualify or explain. They are simply statements concerning past transactions by strangers to the record. They come within none of the exceptions to the rule which excludes hearsay testimony. It was perfectly legitimate and competent to prove the casting of fraudulent votes, but it was not competent to prove that fact by the statements of parties who claimed to have cast them.

It may be said that the contest was between Lyndon and Burlingame, and that all persons supporting either were principals on the one side or the other. But this is true no more in case of a contest between towns for the county seat than between individuals for an office. Surely a candidate for the office of

governor would hardly feel that all who voted for him so far represented him that in case of a contest their admissions and statements could bind him on the question of fraudulent votes. No more is it true in the present case. We have examined the cases of People *v.* Pease (27 N. Y., 45), State *v.* Olin (23 Wis., 319), and the note to Speer *v.* Coate (3 McCord, 230), and, so far as they enunciate any principle contrary to the doctrines here announced we disapprove them.

In the case of the People *v.* Cicott (16 Mich.), Judge Campbell, delivering the opinion of the court, says:

So far as I have been able to discover, by means of the somewhat imperfect indexes on this head, there is but one case in which the decision has turned upon the propriety of allowing inquiry into the qualification of voters, and the identification of their tickets when claimed to be disqualified. That was the case of the People *v.* Pease (27 N. Y., 45). In the supreme court the judges, although arriving at a general result, were equally divided on this point. In the court of appeals the judges elected to that tribunal were also equally divided, and a majority of the supreme court judges belonging to it by rotation turned the scale and decided that the inquiry was proper.

Our attention has been called to a case decided in the House of Representatives reported and written by Judge Hoar, afterwards in the Senate. He discusses the English doctrine, to which our attention has been invited, which allows proof as to the declarations of a voter, which was based upon the idea that he was a party to the proceedings. Senator Hoar discusses that question:

The opinion of several American courts and of some text writers of approved authority are the same way. The correctness of this practice has been earnestly questioned in this House, and there is one decision against it; but, on the whole, the practice here seems to be in favor of its admission. In England, where the vote for members of Parliament is viva voce, the fact that the alleged voter voted, and for whom, is susceptible commonly of easy proof by the record. In one case, however, where the poll list had been lost, the parol declaration of a voter, how he voted, seems to have been received without question. In State *v.* Olin (23 Wis. 319) it is stated that the declaration of a voter is admissible to prove that he voted, and for whom, as well as to prove his disqualification. The general doctrine is usually put upon the ground that the voter is a party to the proceeding, and his declarations against the validity of his vote are to be admitted against him as such. If this were true it would be quite clear that his declarations ought not to be received until he is first shown, aliunde, not only to have voted but to have voted for the party against whom he is called. Otherwise it would be in the power of an illegal voter to neutralize wrongfully two of the votes cast for a political opponent—first, by voting for his own candidate; second, by asserting to some witness afterwards that he voted the other way, and so having his vote deducted from the party against whom it was cast.

But it is not true that a voter is a party in any such sense as that his declarations are admissible on that ground. He is not a party to the record. His interest is not legal or personal. It is frequently of the slightest possible nature. If he were a party, then his admissions should be competent as to the whole case—as to the votes of others, the conduct of the election officers, etc., which it is well settled they are not. The sitting member (this is on the question of the reason of the English rule, and he repudiates it) is a party deeply interested in the establishment of his rights to an honorable office. The people of the district especially, and the people of the whole country are interested in the question who shall have a voice in framing the laws. The votes are received by election officers, who see the voter in person, who act publicly in the presence of the people, who may administer an oath to the person offering to vote, and who are themselves sworn to the performance of their duties. The judgment of these officers ought not to be reversed and the grave interests of the people imperiled by the admissions of persons not under oath and admitting their own misconduct.

Then he goes on and discusses in this report why it was that it was admitted in England, because those who participate in the elec-

tion were property holders, and had great concern in the rightful exercise of the franchise privilege, and for that reason their statements on the outside were admitted.

It furnishes no analogy for a people who regard voting not as a privilege of a few, but as the right of all; where the vote, instead of being viva voce, is studiously protected from publicity, and where such admissions, instead of having every probability in favor of their truth, may so easily be made the means of accomplishing great injustice and fraud, without fear either of detection or punishment.

Then he discusses the question of secondary evidence.

The action of the House heretofore does not seem to have been so decided or uniform as to preclude it from now acting upon what may seem to it the reasonable rule, even if it should think it best to reject this class of evidence wholly. But as both parties have taken their evidence, apparently with the expectation that this class of evidence would be received, and as, in view of the numerous and respectable authorities, it is not unlikely the House may follow the English rule, we have applied that to the evidence, with the limitation, of the reasonableness of which it would seem there can be no question, that evidence of hearsay declarations of the voter can only be acted upon when the fact that he voted has been shown by evidence aliunde, and when the declarations have been clearly proved and are themselves clear and satisfactory.

The Colorado courts seem to have taken the same view, and there is a North Carolina case to the same effect. I do not desire to say anything further upon this question, but I feel, in view of the authorities that have been cited, that I would call the attention of the committee to the result of my examination of those cases.

Mr. AUSTRIAN. To keep the record, may it be understood that in abandoning that line of testimony at this time we reserve the right, with the committee's approval, of course, to call the witness upon the same ground when some further facts will develop?

The CHAIRMAN. Certainly.

Mr. AUSTRIAN. Mr. White, after the receipt of this money that you have detailed as having been paid to you by Lee O'Neill Browne in Chicago, did you exhibit that money to any person or persons?—A. Yes, sir.

Judge HANECY. That is objected to, if the committee please.

Mr. AUSTRIAN. Affluence may be always shown by any member of the legislature who is being bribed.

Senator BURROWS. The committee will sustain the objection for the present.

Mr. AUSTRIAN. I ask leave to put the question again at some future time.

Senator BURROWS. Very well.

Mr. AUSTRIAN. Now, Mr. White, when, for the first time, did you exhibit the story—oh, I withdraw that. Mr. White, did you write of your experiences in the legislature of the forty-sixth general assembly—on or about the conclusion thereof, or shortly thereafter, of the forty-sixth general assembly?

A. Yes, sir.

Judge HANECY. Mr. Chairman, may I suggest, this being in regard to rules of evidence, that counsel should not lead or suggest to the witness in his question. Counsel should be required to ask the question again, because this is a controverted fact.

Mr. AUSTRIAN. All right; I will do so, if counsel will suggest that the question is leading, but these are facts I thought counsel knew.

Senator HEYBURN. I would suggest that in view of the ruling of the committee yesterday on these written statements, it seems to me it is not very material when it was written, inasmuch as the committee has determined not to admit it at this time.

Judge HANECY. Which has reference to the story that he wrote and tried to sell to different publishers, and did finally sell to the Tribune.

Senator GAMBLE. I understand that the committee ruled on that question yesterday; at least, as to the rule of order.

Judge HANECY. I can't remember as to that, but I don't want this record made up on the suggestions of counsel rather than the testimony of the witness.

Mr. AUSTRIAN. I did not know that the committee had ruled on that question, Senator.

Senator GAMBLE. Not on the question, but on the statement.

Mr. AUSTRIAN. Oh, on the general statement?

Mr. GAMBLE. Yes.

Mr. AUSTRIAN. I don't intend to put a question that I think you have ruled on; let that be clearly understood.

Senator BURROWS. Proceed, counsel.

Mr. AUSTRIAN. Mr. White, did you offer the story that you wrote to the Chicago Tribune at any time?

A. Yes; I offered it to them for publication.

Q. And at about what time?

Senator BURROWS. Mr. White, we can't hear a word you say.

Mr. WHITE. I suppose it was near the last of April that the Tribune decided to take it up. It was along about near the 1st of March or sometime in March that I first went to the Tribune office.

Senator HEYBURN. We have ruled that out.

Senator BURROWS. Proceed.

The WITNESS. I went to the Tribune office after trying to have this exposure published by other publications first. I had tried three other publishing houses, and I did that for the purpose to keep out politics.

Judge HANECY. I object to that. I object to his commenting on his statement of facts as he goes along and telling his purpose.

Senator BURROWS. Just state the facts.

The WITNESS. I went to the Tribune office for advice first. Being sent there by some one, and I asked for advice as to where I could get the article published and I was requested to bring the article down for examination, the manuscript, and I took the manuscript down and left it with the Tribune people for examination. They examined the manuscript, and asked for time to investigate it.

Mr. AUSTRIAN. Now, prior to that, had you offered it for publication to anyone else?—A. Yes, sir.

Judge HANECY. He stated he did—to three others.

Senator BURROWS. Let the witness answer the question.

The WITNESS. I did; I offered it to three other publishing houses.

Q. To whom?—A. The Doubleday-Page Publishing Company, the Gerard Publishing Company, and the Kerr Publishing Company.

Q. On or about what time?—A. I offered it first to a publishing house in the East; it was near the 1st of September, 1909. I afterwards sent the manuscript down to New York to Doubleday-Page Company and I afterwards had a conference with their manager

here in Chicago, and he took the manuscript there himself. The word they sent back was they might handle it, but it would take from three to six months to investigate it, and they did not feel like they could take it up on account of that.

Q. Mr. White, you have heard frequent mention made of a contract entered into or agreement on April 29, 1910, with the Tribune Company. I will ask you if that is the paper [handing Exhibit 5 to witness]?

Senator BURROWS. Is there any objection to this?

Judge HANECY. No.

Mr. AUSTRIAN (reads):

[Exhibit 5.]

THE CHICAGO TRIBUNE, OFFICE OF PUBLISHER,
Chicago, Ill., April 29, 1910.

TO CHARLES A. WHITE:

You offered to sell to us for publication a story written by you which story gives your experiences while a member of the house of representatives of Illinois during 1909–10, and giving also certain information as to what transpired by reason of your voting for certain measures, etc., while a member of such house.

We refused to pay you for that story or to print the same unless such story was verified and corroborated by persons selected by The Tribune.

For more than four weeks we, with your cooperation, through different agencies, have caused your story to be fully investigated.

For the sole and exclusive right hereby granted by you to the Tribune Company to publish this story, or a revision thereof or excerpts therefrom in the Chicago Tribune and copyright it either in your name or in that of the Tribune Company, but in which shall be at our election, and also in full compensation for the time already spent by you in assisting us in obtaining corroborative evidence of the facts contained in this story, and in full payment for all your time which shall be devoted by you to further substantiate this story at any time, which time you hereby agree to devote to that purpose as and when called upon so to do, the Tribune Company hereby agrees to pay you $3,250, of which said sum $1,250 shall be paid upon the printing of the said story or the first installment thereof, $1,000 thirty days after said first payment, and $1,000 sixty days thereafter.

You reserve to yourself all book or other rights to the story other than the exclusive newspaper rights hereinbefore referred to, which belong under the terms hereof to the Tribune Company.

J. KEELEY,
Vice-President Tribune Company.

CHICAGO, ILL., *April —, 1910.*

TO THE CHICAGO TRIBUNE, AND THE TRIBUNE COMPANY.

GENTLEMEN: I have read the above and foregoing and agree to the terms thereof, and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate the story referred to as and when requested by you so to do and in such manner as you may direct.

CHAS. A. WHITE.

Mr. AUSTRIAN. Now, Mr. White, is the book I now hand you the same story you referred to in your previous testimony?—A. Yes; that is it.

Q. And is it in the same condition, barring, or eliminating rather, the affidavit upon the last page thereof and a notation on page 20 thereof beginning with the word in one place and ending with the word "credit," that it was when you first took it to the Chicago Tribune?—A. So far as I have looked through it hurriedly, it is.

The WITNESS. So far as I have looked through it hurriedly. I presume the pages are all in there.

Mr. AUSTRIAN. Will you examine it so as to answer the question?—A. Yes.

Mr. AUSTRIAN. We offer this in evidence. Let it be marked "Exhibit 6" for identification.

Judge HANECY. That is objected to. That is the very thing that his committee has acted upon and ruled out. This tells us, I assume, what he did and what somebody else did. It is his story, and if he could not tell it here under oath, then his aliunde statement there would not be competent.

Senator BURROWS. What is your objection?

Judge HANECY. The objection is, Mr. Chairman, it is in no way competent; as telling something outside of this proceeding that is not under oath; as mere hearsay and manufactured for the purposes of publication and sale, as he says, and placing many of the things in it that this committee has had presented to it and has ruled out, and every court that they have been presented to has ruled it out—on both trials have ruled it out. There has been no conflict in the ruling.

Senator GAMBLE. I understood when this subject was taken up yesterday that it was submitted or proposed to be offered in the line or corroboration of the whole testimony of the witness on the stand; and that the committee had already taken cognizance of it and excluded it.

Judge HANECY. That is right, Senator; that is the fact.

Senator GAMBLE. That is, the copy, in my mind, at this time is not competent; it might be competent hereafter.

Senator HEYBURN. We are acting upon the record contained in the petition presented to the Senate by Senator Cullom. My understanding of it is that this paper is a part of that record, and if I am not correct I would like to be corrected, because if it is a part of that record it would be admissible, not for the purpose of corroborating anybody, but in support of the original allegations upon which we are acting; but not in corroboration of anything at all that this witness may have testified to. A party pleading a fact is entitled to prove it.

Judge HANECY. It is not a part, as I understand it, of any presentation of Senator Cullom or of anybody else, but even if it was, it is a rule of law that you can't do indirectly what the law prohibits you from doing directly. That law would apply. That is, if he could not introduce it here he could not by sending it to somebody else and having them present it, make it competent here. It is a rule of law as old as the law itself is that the law will not permit that thing to be done indirectly that you can not do directly; which it prohibits being done directly. But I understand, Senator Heyburn, that it was not presented by Senator Cullom.

Senator HEYBURN. It is not a part of that record.

Judge HANECY. It is not a part of the record.

Senator HEYBURN. The matter presented by Senator Cullom was the charges presented by Clifford W. Barnes in his statement, and a verbatim copy of the indictment in the case of The People *v.* Browne, in Cook County.

Senator BURROWS. And no other subject?

Judge HANECY. No other subject.

Senator BURROWS. Are there any excerpts from the Chicago Tribune, do you know?

Judge HANECY. It may be; I am not quite clear.

Mr. AUSTRIAN. The very first exhibit [showing papers to the committee].

Senator BURROWS. There were citations and exhibits from the Chicago Tribune, and Mr. Barnes made the exhibit a part of his statement.

Judge HANECY. If I may be permitted to add, Mr. Chairman and gentlemen of the committee, this paper is not what was published in the Tribune but a great deal more. The Tribune, you will observe, reserved the right to print it or all parts or excerpts from it as they saw fit. They only printed parts of what is now offered in evidence, and that is a very small part. You may print it in a dozen different papers, or a dozen different languages, or in different languages or mouths, and after he tells the story here all that is competent, then say that he wants to tell it in different language and different mouths or different forms, and that would be mostly to corroborate the story that he tells here. I submit, under the authorities and the ruling of this committee, that it is not competent.

Senator BURROWS. The objection is sustained at this time.

Mr. AUSTRIAN. Then at this time I ask leave to be permitted to reoffer it at a future time whenever the committee thinks it is competent.

Judge HANECY. That is offered for identification only, then?

Mr. AUSTRIAN. Yes. Reserving the right, with the committee's permission, to recall the witness upon the questions that have been passed upon tentatively or otherwise, at some future day, when in our opinion the evidence will be competent under the ruling of the committee. I think that closes the direct examination.

Senator BURROWS. Have you any questions?

Judge HANECY. Yes; Mr. Chairman.

Cross-examination by Judge HANECY:

Q. Mr. White, you were; I think you said you were a street-car conductor before you went to the legislature?—A. Yes, sir.

Q. Not immediately before, were you?—A. Yes, sir.

Q. What is that?—A. Yes; I worked even after the election.

Q. That is, after the election you retained your job?—A. I retained my position after election.

Q. You were a conductor for a traction company running through East St. Louis and probably to some other places?—A. Yes; we made one trip or two trips a day in there, into East St. Louis.

Q. You were elected to the legislature in November, 1908?—A. Yes, sir.

Q. For two years before that, or from the session of the legislature before that, you were a lobbyist for some street-car or some other labor union, were you not, at Springfield, during that session of the legislature?—A. I was elected as a representative of the street-car men's union, in their interests.

Q. That is what you were doing; you were elected as a lobbyist from some labor union; I don't know what it was, but it was a street car union.—A. Yes; I was there to represent them in certain labor legislation; that was the instructions.

Q. And to assist in procuring such legislation as they wanted, and to assist in defeating such legislation as they did not want?—A. To argue before committees and talk in the interest of those bills.

Q. You were there at the session of the legislature all along dur-ıg the entire session previous to the one to which you were elected member?—A. Not the entire session. It was drawn out for about ;venteen months, that session was, but I was there from January,)07, up until it adjourned in June; until the session adjourned in une.

Q. That was the entire original session?—A. Well, that was the ;ual term, as the original session, but it continued on until—for ;venteen months altogether the session did.

Q. Then there was only two recesses taken, and then they con-ened again after the recess, and were in existence or in session prac-cally seventeen months of that two-year term?—A. Practically so; ıat is the way I understand it; yes, sir.

Q. I think you said that you were sworn in as a member of the gislature by Chief Justice Cartwright?—A. Yes; we were sworn ı collectively; all members in a body.

Q. That is, by Chief Justice Cartwright, of the supreme court of llinois?—A. Yes, sir.

Q. You know the oath that was administered to you by Chief Jus-ce Cartwright, as such member?—A. He read the oath of office) all the members there at that time.

Q. You knew the oath, didn't you?—A. I did not know it by heart.

Q. I didn't ask you by heart, or by tune; but you knew the oath?—.. I had read it before.

Q. You had read it, and knew what it was; you read it and knew ıe language and understood it?—A. I had read it.

Q. You read the English language and understand it?—A. Fairly ell.

Q. Yes; and that is the oath that is contained in the constitution f the State of Illinois, page 56 of the statutes, article 4 of the consti-ıtion, isn't it?—A. I don't know just what part of it.

Q. This is the oath that was administered to you and to the other ıembers of the general assembly, wasn't it?—A. I don't know.

Q. I will read it.

Judge HANECY. I desire to offer this, Mr. Chairman and gentlemen f the committee, and incorporate it into this record. I read from he constitution of the State of Illinois, article 4, section 5:

Members of the general assembly, before they enter upon their official duties, hall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the nited States, and the constitution of the State of Illinois, and will faithfully ischarge the duties of senator (or representative) according to the best of my bility; and that I have not, knowingly or intentionally, paid or contributed nything, or made any promise in the nature of a bribe, to directly or indirectly ıfluence any vote at the election at which I was chosen to fill the said office, nd have not accepted, nor will I accept or receive, directly or indirectly, any ıoney or other valuable thing from any corporation, company, or person, for ny vote or influence I may give or withhold on any bill, resolution, or appropri-tion, or for any other official act."

This oath shall be administered by a judge of the supreme or circuit court n the hall of the house to which the member is elected, and the secretary of tate shall record and file the oath subscribed by each member. Any member vho shall refuse to take the oath herein prescribed shall forfeit his office, and very member who shall be convicted of having sworn falsely to, or of violating is said oath, shall forfeit his office and be disqualified thereafter from holding ny office of profit or trust in this State.

Judge HANECY. You did subscribe to that oath, didn't you?—A Well, it was administered to the members collectively.

Q. You took it as a member?—A. Yes; I was one of them; I didn't answer yes or no; I followed suit, as they did.

Senator BURROWS. I understand you offer that.

Judge HANECY. I offer all of section 5, article 4, of the constitution of the State of Illinois, being the constitution of 1870, the one that is now in force.

Senator BURROWS. Is there objection?

Mr. AUSTRIAN. None whatever.

Senator BURROWS. It is admitted.

Judge HANECY. You are familiar with the general statutes, are you not, Mr. White, on the question of bribery?

Mr. AUSTRIAN. I object, as every man is presumed to know the law; therefore it is immaterial.

Judge HANECY. I will accept that statement as an answer to my question.

Q. You knew that the penalty for bribery in this State—that bribery in this State is a felony, didn't you?

Mr. AUSTRIAN. That is objected to as immaterial, whether he knew it or not.

Judge HANECY. It is conceded that he did?

Mr. AUSTRIAN. I can't concede what he knew; it don't make any difference whether he knew what the penalty was or not.

Judge HANECY. You knew that there was a penalty in this State which fixes a fine of $10,000 for any member of the general assembly who was guilty of any misconduct as a member of the general assembly, didn't you?

Mr. AUSTRIAN. I object, for the same reason.

Judge HANECY. I offer the provisions of the statutes of the State of Illinois, and I will give them to you——

Mr. AUSTRIAN. They have been written into the record already.

Judge HANECY. Which ones?

Mr. AUSTRIAN. Sections 31 and 32.

Judge HANECY. That is malfeasance in office?

Mr. AUSTRIAN. No; that has not been offered. I have no objection to it.

Senator BURROWS. We take notice of the statutes of the State.

Judge HANECY. Yes; I think that is right. The courts are compelled to take notice of the act of Congress and general laws of Congress and the general laws of the State, but they are not bound to take notice of the laws of other States, and I don't know that that would be the rule that would be applicable here, as this committee makes its own rules, but if it is conceded that is the rule I will not offer it.

Senator GAMBLE. As a matter of convenience, better have it in the record.

Senator BURROWS. What is it you propose to offer?

Judge HANECY. I propose to offer section 208 of the Criminal Code of Illinois, chapter 38, being the misconduct of officers, and providing a penalty of $10,000 for any malfeasance or misconduct of any officer or any member of the assembly, etc.

Mr. AUSTRIAN. There is no objection to it.

Senator BURROWS. If there is no objection, you may read it.

Judge HANECY (reads):

Every person holding any public office (whether State, county, or municipal), ust, or employment, who shall be guilty of any palpable omission of duty, or ho shall be guilty of diverting any public money from the use or purpose for hich it may have been appropriated or set apart by or under authority of w, or who shall be guilty of contracting directly or indirectly, for the expendi- ire of a greater sum or amount of money than there has been at the time of aking the contract appropriated or set apart by law or authorized by law be contracted for or expended upon the subject-matter of the contracts, or ho shall be guilty of willful and corrupt oppression, malfeasance, or partiality, herein no special provision shall have been made for the punishment thereof, all be fined not exceeding ten thousand dollars, and may be removed from his fice, trust, or employment.

Judge HANECY. I don't remember, Mr. Chairman and gentlemen, Mr. Austrian, yesterday you introduced the bribery statute?

Mr. AUSTRIAN. Both sections.

Judge HANECY. Then I don't care to have this go in again.

Q. When you were elected to the legislature you were sworn in and ualified and took your seat?—A. Yes, sir; practically so.

Q. You knew Lee O'Neill Browne at the session of the legislature which you were a lobbyist representing the labor unions; that is, ie session prior to the one to which you were elected.—A. Not good deal.

Q. You knew him?—A. I had been introduced to him, I met him.

Q. He had been a member of the legislature along for a number f years before that?—A. So I have been informed.

Q. You were elected and took your seat?—A. Yes, sir.

Q. You were elected a Democrat?—A. Yes, sir.

Q. And you sat in the legislature as a Democrat?—A. Yes, sir.

Q. Lee O'Neill Browne was elected at different times, he was ected and sat in the session at which you were a lobbyist and the ie at which you sat afterwards as a member, as a Democratic mem- er of the legislature?—A. So I knew him; yes, sir.

Q. At that election or at that session, Lee O'Neill Browne, or rior to it was elected minority leader of the Democrats?—A. That as later.

Q. By the Democrats in the house?—A. Yes, sir; he was chosen inority leader.

Q. There was a very vigorous, strong, strenuous campaign carried n by different parties for leadership on the Democratic side?—A. here was quite a campaign carried on.

Q. Mr. Browne was one of the candidates and Mr. Tibbitt was the ther candidate for Democratic leader?—A. They were the only two ndidates before the caucus; there were other candidates prior to ie caucus.

Q. But at the caucus they were the only two candidates?—A. Only vo candidates in the caucus.

Q. Lee O'Neill Browne received the majority of votes of the)emocratic caucus for the purpose of having a Democratic leader at iat legislative session?—A. He stated that he had enough pledged to ipport him.

Q. You attended the caucus, didn't you?—A. Yes, sir.

Q. And you voted for Lee O'Neill Browne, and he received a ma-)rity of the votes of all of the members, the Democratic members f the legislature at that caucus, as leader of the Democratic mi- ority?—A. Yes, sir.

Q. He received 39 votes, didn't he?—A. I think it was 39.

Q. And Mr. Tibbitt received 25 votes, didn't he?—A. I don't recollect exactly what the vote was now; it was something like that.

Q. After the caucus and vote Mr. Browne was declared minority leader, wasn't he?—A. Yes, sir.

Q. And he acted as minority leader, I mean the Democratic leade during all the session of that legislature, didn't he?—A. Well, h acted over his part; there was a split on the minority side of th house.

Q. I am coming to that, but he did act as leader of the Democrati minority during that entire session, didn't he?—A. I wouldn't sa that, Mr. Hanecy, because Mr. Tibbitt had pulled away his men an they didn't recognize Browne as the minority leader; he acted a minority leader of his faction.

Q. And the 39 who voted for him for minority leader was a ma jority of all the Democrats in the house? They recognized him a through as the leader of the Democratic minority?—A. Not th entire 39. I think it dropped down to 37.

Q. Well, the number, whatever it was that voted for Mr. Tibbit retained or observed their allegiance to Mr. Tibbitt or adhered t him and refused in many cases to follow Mr. Browne's leadership?— A. I think they formed a separate organization, and they notifie the speaker of the house that they had formed an organization; I a not positive about that now.

Q. So Mr. Browne, during all of that session, had to fight for hi leadership, and to retain it, didn't he?—A. Well, he retained hi position over the men that had elected him; he had his little follow ing of 37 men. I don't know just how far his influence over th other members went. I had no way of finding that out.

Q. I am not asking you about that; you need not trouble yourse on that score. Mr. Tibbitt and his 25, or whatever the number wa that voted for him for minority leader, still recognized Mr. Tibbi to some extent?—A. That was the understanding there.

Q. Mr. Roger Sullivan was the Democratic national committe man from Illinois?—A. Yes, sir.

Q. And he was the leader of all the other leaders on the Dem cratic side during that time and afterwards?—A. Well, that was th talk; I didn't know that; I could not swear to that positively.

Q. He was at the legislature during the session a good deal of th time?—A. He was down there at different times; I never had an talk with him myself.

Q. Mr. Tibbitt was an adherent of Mr. Roger C. Sullivan, wasn he?—A. That was the rumor; that was the talk.

Q. And Mr. Lee O'Neill Browne was not associated or allied wit Mr. Sullivan?—A. I don't know anything about that.

Q. I mean generally?

Mr. AUSTRIAN. The witness says he does not know anything abou that; counsel is trying to get hearsay in.

Judge HANECY. No; it is facts recognized by the different parti to show their status.

Mr. AUSTRIAN. There is no evidence of that.

Judge HANECY. It is very important to show some of the lette brought by this gentleman between Mr. Browne and Mr. White an some of the other things, and I will introduce, that they didn

'here was a fight all the way through and Mr. Browne was com-elled all the time to keep in close touch with his adherents, and do any things that he would not have done and that no leader would e required to do if it was not that his right of leadership was being ntested by others all the time.

Mr. AUSTRIAN. I am only objecting to the question as hearsay. I ied to prove the condition existing and I could not.

Judge HANECY. You referred here right along to Tibbitt's faction nd Browne's faction, haven't you? These two men or two fac-ons—that is what you meant, didn't you?

Mr. AUSTRIAN. What is what I meant?

Judge HANECY. That the Tibbitt faction, the portion talked about y you, as a faction of the Democratic party, and the Browne faction the larger faction of the Democratic party.

The WITNESS. The Tibbitt faction is a faction of men that pulled vay from the Browne faction, as I understand it—from the entire inority.

Q. Now, you were an adherent of Lee O'Neill Browne?—A. I fol-wed Browne's leadership. I didn't follow along with him on all bjects.

Q. On every subject that Governor Deneen was interested in, you d Governor Deneen's will, didn't you?—A. I don't know as I did. didn't pay the governor but one visit during the entire session.

Q. It is a fact that you were an adherent of Governor Deneen's nd that whenever the interests of Lee O'Neill Browne and Gover-or Deneen conflicted, you were with Governor Deneen?

Mr. AUSTRIAN. I would like to have counsel state to the committee ne purpose of that question.

Judge HANECY. This witness has already told, and, it is true, the mmittee ruled it out. He has told that he was sent to the Chicago ribune by Ed. Wright. Ed. Wright as an official held office under overnor Deneen. The said Ed. Wright sent him with his story the Chicago Tribune to have it published, and we are going to llow that up and show why that was published.

Mr. AUSTRIAN. I should like to inquire with the committee's per-ission what issue that tends to prove.

Judge HANECY. It tends to show and throw light upon the char-ter of your prosecution or persecution.

Mr. AUSTRIAN. On your conspiracy.

Judge HANECY. You may name it; I don't desire to give it that gly word.

Mr. AUSTRIAN. We haven't any objection to interjecting proof of ny alleged conspiracy or combination between any one or more ersons showing the publication of this story. Our evidence is all ept out on that line because that was not at issue in this case. We ill withdraw every objection along that line. We have no objection the question.

Judge HANECY. This is more of a preliminary question to show ne status of the people as they operated there and to throw light on ne transaction.

Mr. AUSTRIAN. We have no objection.

Senator BURROWS. Counsel withdraws his objection.

Judge HANECY. That is the fact generally.

Senator BURROWS. Repeat the question.

(Question read.)

A. No, sir; it is not a fact. I voted against the governor on propositions offered.

Q. But you did vote with the governor on many questions that he was interested in that Lee O'Neill Browne and his adherents didn't offer?

Mr. AUSTRIAN. I object to that.

The WITNESS. I will say, Mr. Hanecy, that the governor was interested in many good labor measures that I voted for, but upon every measure that he had there I didn't know of his being interested in it. There was many of his measures in his message that were good measures, and I supported them naturally when they came upon the floor of the house.

Judge HANECY. You could not very well be in the Democratic minority and vote for all of them?

Mr. AUSTRIAN. I object and move to strike out.

Senator BURROWS. That was not put as a question.

Judge HANECY. I want to ask here when Mr. Austrian offered certain letters from Mr. White to Mr. Browne. May I be permitted to ask Mr. Austrian—I made no objection to some of the letters, but will you give me the dates?

Mr. AUSTRIAN. They are letters of Lee O'Neill Browne to Mr. White, dated June 9, 13, and July 16; 9, 13, and 16, and one telegram from Wilson to White, dated July 14. I tendered them, but you objected and the objection was sustained.

(Whereupon the committee took a recess until 2 o'clock.)

AFTERNOON SESSION.

Committee met pursant to adjournment.

Present same as before.

Senator BURROWS. Is Mr. White here? Mr. White will please resume the stand.

CHARLES A. WHITE, a witness heretofore called herein, resumed the stand for further cross-examination by Judge Hanecy, and testified as follows:

Judge HANECY. Mr. White, you told this same story that you have told here to this honorable committee to the state's attorney of this county, didn't you?

Mr. AUSTRIAN. I object. Counsel objected to the declarations made by these two other people.

Judge HANECY. No; this is to affect his testimony here.

Senator BURROWS. He has asked if he told the same story.

Judge HANECY. To the state's attorney of this county.

Mr. AUSTRIAN. You are not asking for the story.

Senator BURROWS. The witness may answer.—A. I told the substance of the story.

Judge HANECY. About when, Mr. White?—A. Well, it was some time in March, I think it was, that I heard the first——

Q. March, 1910?—A. Yes.

Q. The first part of March?—A. Yes; some time in March.

Q. Well, it was very shortly after you went to see the Tribune?—A. Yes; shortly afterwards.

Q. You were never indicted for the story you told?—A. Not to ny knowledge.

Q. You were in the custody of an officer for a considerable time, vere you?—A. Yes, sir.

Q. And you are—up to a day or two ago you have been, have you ot?—A. I am still in the custody of an officer.

Q. What officer?—A. One of the officers from the state attor-ey's office of Cook County.

Q. Was there ever any complaint made before anybody against ou in any court, growing out of this transaction?

Mr. AUSTRIAN. I object as immaterial.

Judge HANECY. I simply want to show that he was not in custody rom——

Mr. AUSTRIAN. Wait, I object as immaterial.

Judge HANECY. Oh, I don't think it is worth enough to object to it. et it pass.

Q. You are still in the custody of that officer?—A. Yes, sir.

Q. And that officer has had you in custody continuously ever since larch, 1910, night and day?—A. Different officers have.

Q. Different officers of the state attorney's office?—A. Yes, sir.

Q. They have taken you to different cities and towns and places roughout the United States, have they not?

Mr. AUSTRIAN. I object to it; it does not throw any light on the natter at issue here.

Judge HANECY. May it please the committee, I submit that it is uite important as showing why he is here testifying. It is always ompetent, I submit, in every court and in every investigation and in roceedings of this nature to show the conditions under which the itness is testifying, and that, I think, is uniform without any ex-eption.

Senator BURROWS. The witness may answer the question.

A. Officers have taken me to different places, not throughout the nited States, but I have been in different States—in Michigan, Wis-nsin, and Minnesota. I think those are the only States we have isited.

Judge HANECY. And the officer having you in charge, or some-ody back of him, has paid all of your expenses at the different places?

Mr. AUSTRIAN. I object.

Judge HANECY. I want to show that he is not traveling on his own xpenses.

Mr. AUSTRIAN. What difference does it make who pays his ex-enses? Suppose that I am paying his expenses; what of it?

Judge HANECY. It makes a great deal of difference. I think this ommittee ought to know who is paying his expenses. Of course, if ou will admit that you are paying his expenses, why that is different.

Mr. AUSTRIAN. No; in fact I say I am not; but suppose that the vidence discloses that I was paying his expenses?

Judge HANECY. It is a part of the circumstances under which he is eing taken around.

Senator BURROWS. The witness may answer.—A. He has paid my ransportation and hotel bills.

Senator BURROWS. Who has?—A. The officers that had me.

Q. Different officers?—A. Yes, sir.

Judge HANECY. And you and the officer that had charge of yo have stopped at the best hotels in Chicago and other places wher you went in the custody of the officer since that time?

Mr. AUSTRIAN. I object.

Judge HANECY. That is a fact.

Mr. AUSTRIAN. I object to the word "best." It is a comparativ term.

Senator BURROWS. Judge, that is not material, is it?

Judge HANECY. Very well; I think it is. I want to establish th fact that they took him to the best hotels and provided him with th best of everything, whatever he desired.

Senator BURROWS. I don't think it is material.

Judge HANECY. Very well, Mr. Chairman; I will not pursue tha any further.

Q. Mr. White, do you know why you are in custody now?—A. am not positive as to why. I understand I am being held for th Wilson case and the Gloss case. I do not know of other reason I do not know whether I have been indicted or not. I have neve been served with any notice.

Q. And you have never had any attorney to represent you?—A Not in court or otherwise; not in any of the matters in court o otherwise.

Q. You testified in two other cases in relation to the same mat ters that you have testified to here; that is, on the subject-matte under investigation here; I mean on the two cases of People Browne, Lee O'Neil Browne, in Chicago here, in the criminal cou of Cook County?—A. Yes, sir.

Q. The first case that you testified in here some time in June o 1910, and in the second trial—there is just one case, but two trials that is the fact, isn't it?—A. So I understand.

Q. The first trial commenced June 7 and ended June 30, and th second case commenced August 2 and ended September 9. Thos are the cases I refer to.—A. Yes, sir.

Q. You testified as a witness for the State in both of thos cases?—A. Yes, sir.

Q. You had more or less correspondence with Lee O'Neil Brown didn't you, Mr. White, other than the letters that were introduce here by Mr. Austrian?—A. Yes; I had other correspondence wit him.

Q. Do you remember receiving a letter from Lee O'Neil Brown from his home in Ottawa, a letter dated July 9, 1909, addressed t you, in relation to a telegram that you were said to have sent Go ernor Deneen, requesting the appointment of James Doyle, of L Salle, for the board of control?—A. I remember something relati to that, but I can not give the exact dates unless I see the letters.

Q. Will you look at the letter I now show you, and I will as whether you wrote that letter and signed it?—A. Yes, sir.

Judge HANECY. Do you want to see it, Mr. Austrian?

Mr. AUSTRIAN. Yes; if you please. We have undoubtedly see the letter. I would like to ask counsel the purpose of it.

Judge HANECY. I want to show that he did telegraph to the go ernor of the State, as he says he did here, asking for the appointme by the governor, of Mr. Doyle to a position, and I propose to follo that up by other correspondence between the same parties.

Mr. AUSTRIAN. The mere fact that he sent a telegram to the governor, with reference to the appointment, I do not think that throws any light upon the relations between this witness and Lee O'Neil Browne, and I do not think it will enlighten the committee at all. Unless counsel intends to show some connection of the governor of the State——

Judge HANECY. I intend to show that the governor was at the Tribune office until 1 or 2 o'clock in the morning.

Mr. AUSTRIAN. With that statement, and the committee bearing the purpose of the testimony in mind, I have no objection.

Judge HANECY. The purpose is as I asked here this morning, to show their relations.

Mr. AUSTRIAN. You objected on the previous trials, and said it was not an issue in this case.

Judge HANECY. You do not mean that I did?

Mr. AUSTRIAN. Yes; I do.

Judge HANECY. On the other trials?

Mr. AUSTRIAN. Not on the previous trials, but previous hearings.

Judge HANECY. You do not object to it?

Mr. AUSTRIAN. Not on that theory, if we may have the opportunity of going into it.

Judge HANECY. I will now read the letter of July 12, 1909, from Charles White to Lee O'Neil Browne.

(Which said letter, marked "Exhibit A, 9–27–10," is in the words and figures following, to wit:)

[Exhibit A. 9–27–10.]

Hon. LEE O'NEILL BROWNE,
Ottawa, Ill.

FRIEND LEE: Your letter requesting me to wire Governor Deneen relative to appointment for James G. Doyle received, and I complied with your request as directed in the letter. I trust you will be successful in your efforts to secure the appointment for Mr. Doyle, and if there is anything else I can do to assist you drop me a line and I will be glad to go the limit.

Trusting I will see you before many days and with best wishes, I am,
Your friend,

CHAS. WHITE.

O'FALLON, ILL., *July 12, 1909.*

Senator BURROWS. What was the date of that?

Judge HANECY. July 12, 1909.

Q. The vote was taken on United States Senator, and Senator Lorimer was elected by a joint vote—that is, the vote of the joint assembly of Illinois—on the 26th of May, 1910.—A. 1909.

Q. 1909?—A. Yes, sir.

Q. That ended the joint assembly or the joint session of the two houses on that day, didn't it?—A. There were no more meetings of them that day.

Q. Then the two houses went back—that is, the house and the senate went back—to their separate houses, and continued the legislation of that session?—A. Yes, sir.

Q. And that session continued until what day?—A. Until the adjournment.

Q. I know that, but until what day?—A. It was in June. I can not recall the exact date.

Q. It was the 4th or 5th, was it not?—A. Somewhere along the 4th or 5th of June.

Q. You and Mr. Browne left Springfield about that day, or within a day or two, and went to your homes, you to O'Fallon, Mr. Browne wherever he went?—A. Shortly after the adjournment; yes, sir.

Q. Just before the session closed you talked with Mr. Browne for him to get you a position, didn't you, either for him to get you back in your old position as conductor of the railway company or some other?—A. I had talked to Mr. Browne about that earlier in the session.

Q. That is not very material. You did before the session closed?—A. No; there was nothing said relative to that matter near the close of that session, I don't think.

Q. It was some time before it closed?—A. Well, I tried to hold my position on the road in order to get back there to go to work after the adjournment of the session, and Mr. Browne wrote the company a letter relative to that matter.

Q. Asking them to take you back as an employee?—A. Yes; and the company answered the letter to Mr. Browne, and Mr. Browne gave me the letter, stating that they could not hold a position open that way for employees and they could not establish a precedent in that line.

Q. And they curtly refused to recognize his request to give you the position?—A. They declined to hold my position open.

Q. Then you talked to him subsequent to that time there during the session, immediately after, or immediately after it, and tried to get you some other position, didn't you?—A. After the session was over I think that matter came up through correspondence or talks.

Q. That is, you requested Mr. Browne to try to get a position for you some place, isn't that it?

Senator GAMBLE. I suggest that you mark that letter.

Judge HANECY. May I ask this: I do not know what your ruling may be, but I have borrowed these letters from Mr. Browne and I have pledged that I will see that they are returned to him, because he needs them for his other trials which are coming up, and I want to know if it will be left with me, the originals.

Senator BURROWS. You can leave a certified copy of it.

Mr. AUSTRIAN. Just read it in the record. That is the way I did it.

(The letter was marked "Exhibit A.")

Judge HANECY. I would like the letter of September 8 from Mr. White to Mr. Browne and the note that accompanies it.

Mr. O'DONNELL. Just a minute.

Judge HANECY. Mr. White, I believe you told this honorable committee you were paid a thousand dollars immediately after the session closed. Will you tell what date that was or what dates?

A. I was paid that money—well, there were three installments of it.

Q. A hundred dollars paid when?—A. Well, there was $100 paid in Springfield.

Q. The date is all I want.—A. Well, it was before the members left there during that session.

Q. I know, but won't you please fix the date, what day of the calendar?—A. I don't remember the exact date.

Q. Was it after the session closed?—A. Well, it may have been the day after or possibly a week before——

Q. Some time between a week before the close of the session and a day or two after?—A. Some time along there, possibly two weeks before; I don't know.

Q. When did you say the balance of the money was paid to you?—A. The remainder of the money was paid to me here. I think the date, according to some records I have that refresh my memory, it was on the 16th and 17th of June.

Q. That is, the $50 was paid to you on the evening of the 16th of June?—A. And the $850 on the morning of the 17th.

Q. Will you answer my question?—A. To my knowledge now.

Q. And the $850 you say of the $900 paid to you, when?—A. To my knowledge——

Q. The date is what I want.—A. To the best of remembrance it was on the 17th of June.

Q. Where?—A. In the Briggs House here in Chicago.

Q. In Chicago?—A. Yes, sir.

Q. The $50 was paid on the 16th and was paid to you here in the Briggs House?—A. The 16th is the day that I remember that it was paid to me in the Briggs House.

Q. Between the close of the session and the 17th of June you had been paid by Browne, you say, a thousand dollars?—A. Yes, sir.

Q. In cash?—A. Yes, sir.

Q. You said you had been paid $900 by Mr. Wilson in St. Louis?—A. Yes, sir.

Q. Will you be kind enough to tell the committee what that day was?—A. It was on the 15th of July, 1909.

Q. About a month—nearly a month—after you say Browne gave you the thousand?—A. Yes.

Q. So that you say $1,900 was paid to you?—A. Yes.

Q. Between about the close of the session, in May, 1909, and the 15th of July?—A. Yes, sir.

Q. Will you look at the notes that I show you, signed by you for $50, payable to Lee O'Neil Browne, and dated September 8, 1909, and say whether or not that is in your handwriting?—A. Yes, sir.

Q. Will you look at the letter dated O'Fallon, Ill., September 8, 1909, addressed to Hon. Lee O'Neill Browne, at Ottawa, and say whether that, as well as the signature, are in your handwriting?—A. Yes, sir.

Judge Hanecy. I offer this letter on two sheets in evidence, and I suppose will be marked "Exhibit B."

Senator Burrows. Is there any objection?

Mr. Austrian. No objection.

Judge Hanecy. It is on the letter head of the forty-sixth general assembly, State of Illinois, house of representatives, and is dated at O'Fallon, Ill., September 8, 1909. Have it marked "Exhibit B."

(Which said letter last above referred to, so offered and received in evidence as aforesaid, was read by Judge Hanecy, and the same is in the words and figures following, to wit:)

[Exhibit B.]

[Written on letter head of forty-sixth general assembly, State of Illinois, house of representatives.]

O'Fallon, Ill., *September 8, 1909.*

Hon. Lee O'Neill Browne, *Ottawa, Ill.*

Friend Lee: I don't like to write and ask a favor of you, but if you can accommodate me with a little money until I can get to work at something and pay you back I certainly appreciate it.

This is the honest truth—I have only 90 cents in money, all the money I have in the world, and you see I am boarding—have been for eight years.

If you can let me have a little money, fill in the amount on this note, which I am making to you, and some day you will get every cent of it back.

Everything is quiet here; like Sunday or a holiday every day.

Trusting I will hear from you at an early date, I remain,

Your friend, CHAS. WHITE.

Senator BURROWS. What is the date of that letter?

Judge HANECY. September 8, 1909.

Q. Now, Mr. White, this is the note [indicating] that you sent in the letter with that?—A. Yes, sir.

Judge HANECY. I will read the note.

(Which said note last above referred to, marked "Exhibit C," was read by Judge Hanecy, and the same is in the words and figures following, to wit:)

[Exhibit C.]

$50.00. O'FALLON, ILL., *September 8, 1909.*

Six months after date I promise to pay to the order of Hon. Lee O'Neill Browne fifty and 00/100 dollars, at his office or residence.

Value received, with interest at the rate of 6 per cent per annum.

CHAS. A. WHITE.

Judge HANECY. Did Mr. Browne loan you that $50?—A. Yes, sir.

Q. Did he send the note back to you or did he keep it?—A. He kept it; that is the note [indicating paper].

Q. Did you ever pay it to him?—A. I have paid it back to him.

Q. You have paid it back to him since?—A. Yes, sir.

Q. When did you pay it?—A. I paid it to him after the first trial.

Q. After the first trial of the case of People *v.* Browne, in this county?—A. Yes, sir.

Q. That was after June 30, 1910?—A. I don't know whether it was that long or not. I don't know how long the trial lasted.

Q. Well, after the trial, you say?—A. Yes.

Q. I did not ask you for the exact date, but it was after the trial, you say?—A. Yes.

Q. How did you pay that, Mr. White?—A. Paid through a money order.

Senator BURROWS. Speak louder.

Judge HANECY. Is this the draft you paid it by?

Senator BURROWS. What did he say he paid it by—a money order?

Judge HANECY. He said it was a money order.

The WITNESS. This is a draft that I received the money on.

Mr. AUSTRIAN. Speak louder, Mr. White; they can not hear you.

Senator BURROWS. We can't hear all of it.

Judge HANECY. Yes; he got the money.

Senator BURROWS. Yes; I understand; I wish he would speak louder. Mr. White, we can't hear all of your testimony.

Judge HANECY. Did you receive a letter from Lee O'Neill Browne dated at Ottawa, September 9, 1909——

Mr. AUSTRIAN. Dated when?

Judge HANECY. September 9, 1909.

Senator BURROWS. Just a minute, until he looks for it.

Judge HANECY. Did you receive a letter from Lee O'Neil Browne, dated at Ottawa, Ill., September 9, 1909—have you that letter, Mr. Austrian, of September 9, 1909?

Mr. AUSTRIAN. Just a minute.

Judge HANECY. While he is looking for that letter, Mr. White, ıst look at that and tell whether you wrote that letter.

Mr. AUSTRIAN. Yes, Judge; I have it right here.

Senator BURROWS. Mr. Austrian has the other letter now.

Mr. AUSTRIAN. Yes; here it is.

Judge HANECY. That is the letter, Mr. White. Did you write hat letter?

A. No, sir.

Q. Did you receive that letter from Lee O'Neil Browne?—A. Yes, ir; I received that.

Judge HANECY. I offer that in evidence.

Mr. AUSTRIAN. No objection.

Senator BURROWS. Read the letter.

Judge HANECY. It is on the letter head of the forty-sixth general ssembly of the State of Illinois.

(Which said letter so offered and received in evidence, marked Exhibit D, 9–27–10," and the same is in the words and figures ollowing, to wit:)

[Exhibit D, 9–27–10.]

[Letter head forty-sixth general assembly, State of Illinois, house of representatives.]

OTTAWA, ILL., *September 9, 1909.*

FRIEND CHARLES: Just got your letter. Am awfully sorry for you, old pal, ecause I know how true a good fellow and gentleman you are. Your fault, ld pal, is in trying to go too —— fast. You must cut it out for a while, old boy, 'll do all I can to land you in a job, but do not yet know when Lorimer will e able to do anything, or, rather, when he will do anything. But I'll do all can, Charlie. Am pretty hard up myself after the vacation we all had, but ıave managed to scratch out a fifty for you. Hope it will do some good, any- ray. I am down at the "grind" again, working like a slave. It's sure h—l fter the "music and flowers" we had for a time this summer. But when thing has got to be done, I can always shut my teeth and go to it. It's the nly way. It's hell, but that's the price one pays for most of the pleasure of ife. I always did, at least. Good bye, old man, and God bless you. Wish I ould do more for you.

Your friend,

LEE O'NEIL BROWNE.

P. S.—I hope you will do all you can to help James Morris, our old pal, pull hrough. He must win, he says.

Mr. AUSTRIAN. What was the date of that letter?

Judge HANECY. September 9, 1909.

Q. Did you telegraph to Lee O'Neil Browne on September 15, 1909, ınd then did you receive that telegram [indicating] from Lee O'Neil Browne on the 16th or the next day——

Mr. AUSTRIAN. Do you mean by that piece of paper the telegram or just a telegram?

Judge HANECY. That telegram; I do not know whether that is the ne or not. I don't suppose it is.

Mr. AUSTRIAN. I would like to know.

The WITNESS. I think that I received a telegram on that date.

Judge HANECY. And you sent him one the day before? I will read these two telegrams, marked "Exhibits E and F."

Senator BURROWS. Is there objection?

Mr. AUSTRIAN. No objection whatever.

Judge HANECY. Exhibit E is dated at O'Fallon, Ill., September 15, 1909, and Exhibit F is dated at Ottawa, Ill., September 16, 1909.

(Which said telegrams so offered and received in evidence, rea by Judge Hanecy, marked "Exhibit E" and "Exhibit F, 9–27, 1910, and the same are in the words and figures following, to wit:)

[Exhibit E.]

[Telegram written on blank of The Western Union Telegraph Company.]

13 CH ZK B 14 DH.

O'FALLON, ILL., *September 15, 1909.*

Hon. LEE O'NEIL BROWNE, *Ottawa, Ill.:*

Will you be in Chicago Saturday or Sunday? Want to see you, if possible.

CHAS. A. WHITE.

11.24 a. m.

[Exhibit F.]

[Telegram written on blank of The Western Union Telegraph Company.]

OTTAWA, ILL., *September 16, 1909.*

To Hon. CHARLES A. WHITE, *O'Fallon, Ill.:*

Impossible to be Chicago Saturday or Sunday. Sorry, but unavoidable.

LEE O'NEIL BROWNE.

Paid.

Judge HANECY. Did you write this letter [indicating] and sign it

Mr. AUSTRIAN. Do you know the date?

Judge HANECY. There is no date on the letter, but it refers to th telegram, and that was one of the purposes of introducing the tele gram, as it fixes the date of the letter. The letter refers to the tele gram as of the day before.

Mr. AUSTRIAN. I don't think that this refers to this telegram.

Judge HANECY. The only question I asked him was, "Did yo write that letter?"—A. Yes; I wrote this letter.

Q. What is that?—A. I wrote this letter.

Q. You wrote that letter and that is your signature?—A. Yes, sir However, there is a word added in there.

Q. A word in brackets?—A. Well, some word there that some on put in there.

Q. You did not?—A. No.

Judge HANECY. I will read this letter, dated—I will read this let ter from Charles White to Lee O'Neil Browne and have it marke "Exhibit G."

(Which said letter, marked "Exhibit G, 9–27, 1910," read by Judg Hanecy, and the same is in the words and figures following, to wit:

[Exhibit G.]

[Letter written on letter head of the forty-sixth general assembly, State of Illinois, house o representatives.]

Hon. LEE O'NEIL BROWNE, *Ottowa, Ill.*

FRIEND LEE: I received your telegram yesterdy, and I am very sorry I ca not get to see you in Chicago Sunday, because I am in such a position here tha I am embarrassed to death.

Now, Lee, I don't want you to feel that I am trying to work you or stick yo for a dollar, but, by the grace of God, every cent you have let me have you wi get back some day with interest.

I am down and out financially. There is no one that I can go to here an get a few dollars from. You can't imagine how it makes a fellow feel to be i such position and the fall right here on him. I have some clothes waiting m in St. Louis that I ordered six weeks ago. I owe my tailor $85, and he has bee expecting me to come in and pay him and get my clothes for the past thre

weeks. But, like a fool, I went the limit of what I had on my foolish stunt in Chicago, never dreaming that I would spend all I had.

Now, I am going to ask you to try and do me a favor, and if you can I promise you that the obligation will be met and that you won't lose a penny. Will you see if you can get me the money on the note I am inclosing to you ($100)? That will make $150 I have borrowed from you since I saw you in Chicago about the last of August.

You may have your doubts about me, but my record is open and I defy any man to show that I have beat any honest debt. I would like to know as soon as possible about this, because I am in the mire to my neck now. Don't be under the impression that you will lose anything you let me have, because if I live you will get every cent back that I get from you. With best wishes.

Your friend,

CHAS. WHITE.

LEE: I am making this note read for $125, with interest at 6 per cent. Now, I am willing to allow you the additional $25 interest on the $100, so will put it in so there can be no question about interest in case I should die. I need the money and need it bad, and would feel like giving two hundred for one hundred in order to get the money. I am making the note for one year, but if I can pay it in thirty or sixty days I will do so, or just as soon as I can.

WHITE.

Judge HANECY. Mr. Browne sent the note back to you, didn't he?

A. I think he did.

Q. And he did send you some money?—A. I think he did.

Q. How much?—A. Fifty dollars.

Q. He sent you $50?—A. Yes.

Q. And he sent the note back again to you?—A. Yes, sir.

Q. Did you receive this letter, dated September 23, 1909, from Mr. Browne?

(No answer.)

Judge HANECY. I will read the letter of September 23 from Lee O'Neil Browne to Charles White.

(Which said letter last above referred to, marked "Exhibit H, 9-27-1910," and the same is in the words and figures following, to wit:)

[Exhibit H, 9-27-10.]

[Letter head forty-sixth general assembly, State of Illinois, house of representatives.]

OTTAWA, ILL., *September 23, 1909.*

Hon. CHARLES A. WHITE,
O'Fallon, Ill.

FRIEND CHARLIE: The reason I have not written to you before is because that I did not find it possible to do as you wanted me to. You know I told you in my last letter to you, when I sent the other inclosure, that that was the best I could do for you at that time. It was, and, while I regret the fact, circumstances do not permit me to do what I would like and what you seem to think is so easy for me. I herewith inclose draft for $50; also your note which you sent me, and you can send me one for $50 in its place. I hope that this will help you and only wish that I could arrange the matter to suit you.

I do not know what you are thinking of, my boy, to get yourself into a position of this kind. I do not want to preach to you, but you certainly are not very wise in your generation. I will tell you, Charlie, you must just simply take the situation by the neck and get down to hard tacks and go to work. If you can not get what suits you, get something else. You know that you got to do something, and when you are in that position, do not be too particular about what you do. Lorimer is tied up so that he can not move a hand at the present time in the way of getting jobs. When he does get so that he can move, I will do anything in my power to help you. And, as you know, there is no other avenue through which I can move. I am awfully sorry that you are in your present financial condition, Charlie, but really, don't you know, you have nobody to thank for it but yourself. You certainly could have used more judg-

ment and foresight than you have under the circumstances. Now brace up, old man, and surprise yourself and everybody else by making good. It is in you, and all you need is a little nerve at the present moment. I hope and trust you will do everything in your power at that convention at Bellville to see that Jim Morris lands. My best regards to you. I will write you again before very long. Am working hard.

Very sincerely, your friend, LEE O'NEIL BROWNE.

Judge HANECY. Mr. White, you got the $50, did you?—A. Yes.

Judge HANECY. I offer in evidence the draft, dated September 23, 1909, to the Continental National Bank, as Exhibit I.

Senator BURROWS. Is there objection?

Mr. AUSTRIAN. No objection.

(Which said draft so offered and received in evidence, marked "Exhibit I, 9-27-10," and the same is in the words and figures following, to wit:)

[Exhibit I.]

No. 416174.

THE FIRST NATIONAL BANK,
Ottawa, Ill., September 23, 1909.

Pay to the order of L. O. Browne ($50) fifty 00/100 dollars.
(Not over fifty dollars.)
To the Continental National Bank, Chicago, Ill.

O. HAIBERLE, *Cashier.*

Judge HANECY. That is your signature on the back of it, isn't it—"Charles A. White?"—A. Yes, sir.

Q. Will you look at the note I now hand you, dated September 25, 1909, and the letter dated October 1, 1909, and say whether or not the note is signed by you and whether or not the letter is signed by you?—A. Yes, sir.

Judge HANECY. The letter is written on the letter head of the forty-sixth general assembly, and is dated at O'Fallon, Ill., October 1, 1909, to Lee O'Neil Browne, at Ottawa, from Charles A. White. It is Exhibit J. and I will read it.

(Which said letter so offered and received in evidence aforesaid, marked "Exhibit J," is in the words and figures following, to wit:)

[Exhibit J.]

[Letter written on the letter head of the forty-sixth general assembly, State of Illinois, house of representatives.]

O'FALLON, ILL., *October 1, 1909.*

Hon. LEE O'NEIL BROWNE.
Ottawa, Ill.

FRIEND LEE: I am inclosing you herewith a note for $50 you loaned me. I appreciate the assistance very much.

I will pay this note off as soon as possible, also the other note for $50 you hold against me. I am doing nothing at all, and can't say when I will find work.

My regrets at present are from my experience that I let the better judgment of myself drift along the wrong channels. I am going to try and aright all of that in some way; can't say what my destiny will be, but I believe it for the best.

Have my ring in pawn for several dollars, and am financially down and out. The future of every man's life brings some interesting surprises, so I presume we should not be surprised at anything in these wonderful days.

If I live long enough I expect to repay you every dollar that you have given me.

Don't be surprised at the future of any action that I may make.

With best wishes, yours,

CHAS. WHITE.

Mr. AUSTRIAN. The date of that letter?

Judge HANECY. October 1, 1909.

I will now read Exhibit K, a note for $50, dated at O'Fallon, Ill., eptember 25, 1909, and signed by Charles A. White.

(Which said note last above referred to, so offered and received ı evidence as aforesaid, marked "Exhibit K," was read by Judge Ianecy, and the same is in the words and figures following, to wit:)

[Exhibit K.]

50.

O'FALLON, ILL., *September 25, 1909.*

One year after date, I promise to pay to the order of Lee O'Neil Browne fifty o/100 dollars, at ———. Value received with interest at the rate of 6 per nt per annum.

CHAS. A. WHITE.

Judge HANECY. Did you pay that note?—A. Yes, sir.

Q. When?—A. Since the first trial of Mr. Browne.

Q. You paid this at the same time that you paid the other one, fter the 29th or 30th of June of this year?—A. Yes, sir; they were oth paid at the same time.

Q. I show you a letter dated on the last page October 19, 1909, and sk you whether that letter was written and signed by you?

Mr. AUSTRIAN. The date please.

Judge HANECY. October 19, 1909. That is a letter from White to enator Lorimer?

The WITNESS. Yes, sir.

Judge HANECY. You wrote that letter and sent it to Senator Lorier, did you?—A. Yes, sir.

Q. And you wrote it on the day you sent it?—A. I think it was at day.

Q. And the other letters, and the other papers that I have shown you and offered, that you signed, were they all written and signed of the dates that they bear?—A. I presume they were. I would ot be positive as to that.

Judge HANECY. Now, I will read that letter from Charles A. White Senator Lorimer at Washington. It is dated at O'Fallon, Ill., ctober 19, 1909. It is written on the letter head of the forty-sixth eneral assembly, State of Illinois, house of representatives.

Senator BURROWS. Is there objection?

Mr. AUSTRIAN. None whatever.

Judge HANECY. I will read it. It is Exhibit L.

(Which said letter, last above referred to, marked "Exhibit L," as read by Judge Hanecy, and the same is in the words and figures llowing, to wit:)

[Exhibit L.]

etter written on letter head of forty-sixth general assembly, State of Illinois, house of representatives.]

on. WM. H. LORIMER,
Washington, D. C.

MY DEAR SIR: My present circumstances compel me to inquire of you if it is ssible for you to assist me in securing a position. I have not found anything the way of a position since the legislature adjourned, and to be plain with u, am absolutely out of money, with no resources to fall back on.

I lost considerable money in a business undertaking and presume I owe somenere in the neighborhood of $500 now. I do not like to ask you to assist me

in securing some sort of a position that will place me on my feet again, but I know of no other person at present that is in a better position that could assist me.

Possibly there is something in the Secret Service or investigation department that you could secure for me.

Kindly drop me a line and let me know if you can place me somewhere.

With best wishes, I am, respectfully, yours,

CHAS. A. WHITE.

O'FALLON, ILL., *October 19, 1909.*

Judge HANECY. Mr. Austrian, will you give me the letter of October 24, 1909?

Mr. AUSTRIAN. I have not the letter of October 24.

Judge HANECY. There is one in existence.

Mr. AUSTRIAN. I have not got it.

Judge HANECY. I beg pardon, Mr. Austrian.

Q. Will you look at the letter dated October 24, 1909, and say whether you received a letter of that kind from Mr. Browne?—A. This is in reply to a letter I wrote to Mr. Browne, and not a letter that I wrote to Mr. Lorimer at all.

Q. You received this letter, did you?—A. Sir?

Q. You received this letter?—A. In reply to a letter I wrote to Mr. Browne.

Q. This is Browne's letter to you in reply to one that you wrote to him?—A. Yes, not touching upon the subject-matter of Mr. Lorimer's letter there at all.

Q. I did say that.—A. The result of that letter——

Judge HANECY. The letter is dated at Chicago on October 24, 1909. Exhibit M.

(Which said Exhibit M is in the words and figures following, to wit:)

[Exhibit M.]

CHICAGO, *October 24, 1909.*

FRIEND CHARLIE: Have been trying to land something for you. I came up yesterday and had a visit with Lorimer in the afternoon for about half an hour. He goes back to Washington in December, at which time he feels that he can probably place you along the lines you suggested in your last letter. In the meantime he is arranging to give you a temporary job up here as clerk in some one of the offices. I will get word down home the early part of the week and then I'll let you know and will come up here and report to Lorimer's secretary, who will take you out and place you. See? The salary of the temporary job will not be very high, probably $75 per month, but it will help you through all right until I can land you better after a while. If this thing does not suit you well enough to take it, you must wire me at Ottawa as soon as you get it. However, in your present condition, I think you had best take it. I am awfully sorry, Charlie, that you are situated as you are; but really you are not entitled to a whole lot of sympathy; it's largely your own fault. You must get down to cover and learn that you must cut your coat according to your cloth. You know I am fond of you and will do anything I can, but this does not blind me to your faults and the fact that you are not at all consistent in your expenditures. My very best regards to you, old pal, and remember that I will do all I can.

Your friend,

LEE O'NEIL BROWNE.

Mr. AUSTRIAN. May I see that a minute, please?

Mr. HANECY. Yes. Let it be noted that I read from the copy.

Mr. AUSTRIAN. Yes; and in case we find the original, if there are any inaccuracies in the copy they can be corrected, or an original may be substituted for this copy.

Judge HANECY. I show you a letter, Mr. White——

Senator BURROWS. Counsel has asked to see it.

Mr. AUSTRIAN. Yes; he wants to look at it.

Judge HANECY. I next show the witness a letter dated at O'Fallon, Ill., 12–4–09—that would be December 4, 1909—will you look at that letter, Mr. White, and say whether you wrote and signed that letter?

A. Yes, sir.

Judge HANECY. It is dated at O'Fallon, Ill., 12–4–09, on the letter head of the forty-sixth general assembly, State of Illinois, house of representatives, to Hon. Wm. Lorimer, Washington, D. C., from Charles A. White.

(Which said letter last above referred to, marked "Exhibit N," was read by Judge Hanecy and is in the words and figures following, to wit:)

[Exhibit N.]

[Letter written on letter head of forty-sixth general assembly, State of Illinois, house of representatives.]

O'FALLON, ILL., *12–4–09.*

Hon. WM. H. LORIMER,
Washington, D. C.

MY DEAR SIR: I am preparing to place before the people of this country an article I have written giving my true experience as a member of the Illinois legislature. The article will appear either in book form or will be published in one of the largest magazines in the United States.

I have just competed the manuscript, which contains about 30,000 words, giving in detail my absolutely true experiences as a member of the forty-sixth general assembly. As yet I have not closed a deal with any publishing house, but when my terms are acceptable will dispose of it.

I have been offered a sum sufficient to value the manuscript at about $2.50 per word.

Believing that you would be more than deeply interested in the works and actions of the members of the last session of the Illinois legislature, owing to the fact that possibly your experience with that general assembly will be one of the questions freely discussed, and assuring you that I have severed all connections with the party leaders, as I am to be independent in the future in all my political dealings.

I am, respectfully, yours, CHAS. A. WHITE.

Mr. AUSTRIAN. What is the date of that?

Judge HANECY. 4–12–09.

Mr. AUSTRIAN. What date did you say?

Judge HANECY. Well, I read it as it is.

Mr. AUSTRIAN. You said, "4–12–09."

Judge HANECY. It should be "12–4–09," and that would make it December 4.

Mr. AUSTRIAN. Yes; that would make it December.

Judge HANECY. Yes; December is the twelfth month.

Mr. AUSTRIAN. Yes.

Judge HANECY. Now, let me have that telegram, the copy, have you got it?

Mr. AUSTRIAN. Just a minute.

Mr. O'DONNELL. What date do you want?

Judge HANECY. I think November 5.

Mr. AUSTRIAN. What date is that?

Judge HANECY. I will show him the copy——

Senator BURROWS. State your question now.

Judge HANECY. Mr. White, I show you copy of a telegram, and ask you whether you sent the original of that telegram to Lee O'Neil Browne?

Mr. AUSTRIAN. What date is that?

Judge HANECY. I will give it to you in just a minute, Mr. Austrian

The WITNESS. I would not be positive about the exact date. think I did about that date.

Judge HANECY. Well, about that date.

Mr. AUSTRIAN. It is one you say that he sent?

Judge HANECY. He sent it to Browne.

Mr. AUSTRIAN. I do not have it.

Judge HANECY. I thought you might have it. I will read tele gram to Lee O'Neil Browne, dated November 5, 1909, from Charle A. White. It is marked "Exhibit O."

(Which said telegram, so offered and received in evidence, marke "Exhibit O, 9-27-10," and the same is in the words and figures fo lowing, to wit:)

[This letter was never handed to stenographer.]

Judge HANECY. There is another letter, dated November 6, 190 Will you give it to me, please?

Mr. AUSTRIAN. I would say it was November 6.

Judge HANECY. Pardon me just a minute, Mr. Austrian.

Mr. AUSTRIAN. Certainly.

Judge HANECY. Going back to the letter that asked about obtainin a position for you, paying $75 per month, in one of the offices of th departments of Chicago here, what did you do with reference to that Did you accept the offer of Mr. Browne, or did you say you woul accept it?

Mr. AUSTRIAN. I object. It is all in the correspondence, or pa of it is in the correspondence.

Judge HANECY. Is that in the letter?

Mr. AUSTRIAN. It is in the telegram and letters I have here.

Judge HANECY. If you will be kind enough to let me see—he di say that he would accept it, and then he said he would not.

Mr. AUSTRIAN. Judge Hanecy, I now hand you a telegram of N vember 2, 1909, a telegram of November 1, 1909, a letter of Novembe 2, 1909, and a letter of November 6, 1909, with reference to that ver matter. This is the letter you just wanted of November 6—I can n tell whether it is a 6 or an 8.

Judge HANECY. I now read letter of November 2, 1909, to Charl White from Lee O'Neil Browne.

(Which said letter so offered and admitted in evidence, marke "Exhibit P, 9-27-10," and the same was read by Judge Hanecy i the following words and figures, to wit:)

[Exhibit P.]

OTTAWA, ILL., *November 2, 1909.*

To Hon. CHAS. A. WHITE. *City:*

Report to Charles Ward, secretary to Senator Lorimer, ninth floor Rooke Building, Chicago, at once. Tell him James L. Monaghan, in the coun building, wired me to have you report for duty. If you do not find Ward at once to Monaghan. He has you placed. Wire me at once so I may kno you get this letter to you to-day care of Briggs House.

LEE O'NEILL BROWNE.

Judge HANECY. You received that telegram, did you?—A. Let see the telegram.

Q. Mr. Austrian says you did.

Mr. AUSTRIAN. No; I didn't say he did.

Judge HANECY. You said it was in the telegrams. Look at it, Mr. White.—A. Yes, sir.

Q. Did you receive this letter dated November 6, 1909, from Lee O'Neil Browne to you?—A. Yes, sir.

Judge HANECY. It is dated at Ottawa, Ill., November 6, 1909, to Hon. Charles A. White, Briggs House, Chicago, Ill., from Lee O'Neill Browne, Exhibit Q.

(Which said letter so offered and received in evidence, marked "Exhibit Q, 9–27–10," and the same was read by Judge Hanecy in the following words and figures, to wit:)

[Exhibit Q.]

[Letter head forty-sixth general assembly, State of Illinois, house of representatives.]

OTTAWA, ILL., *November 6, 1909.*

Hon. CHARLES A. WHITE,
Care of Briggs House, Chicago, Ill.

FRIEND WHITE: I just received your telegram informing me that you do not care to accept the $75 position which I have been at so much pains and trouble to secure for you in Chicago, and which you were, so recently, urging to secure for you. To say that your telegram is a surprise to me, a disagreeable surprise, puts the matter rather mildly. It may be possible that you think my treatment of you in the past two years deserves this kind of uppishness, if I may call it that, on your part; I hardly think so. However, let there be no misunderstanding between us in this matter. If, as you say in your telegram, you really do not want this place, I know of a good, deserving young fellow here in my home country who would be tickled to death to get it. Of course, under the circumstances, I very much prefer that you go ahead and take this place and do the best you can with it until a better place offers. In fact, I think it is the least that you could do under the circumstances. All the same, there is no law compelling you to take it, and if you do not really want it please wire me to that effect as soon as you get this letter and I will make other arrangements.

Yours, truly, LEE O'NEIL BROWNE.

Judge HANECY. Will you look at the letter and telegram that I show you and I will ask you if you received them?—A. Yes, sir.

Q. You did?—A. Yes, sir.

Judge HANECY. The telegram will be marked "Exhibit R." The letter will be the next exhibit following it.

(Which said telegram last above referred to, marked "Exhibit R," and the same is in the words and figures following, to wit:)

[Exhibit R.]

1 Ch ZB B 12 Paid.

E—CHICAGO, ILL., *November 1.*

LEE O'NFILL BROWNE,
Ottawa, Ill.:

Send White to me have arranged for him to work week ago.

JAMES L. MONAGHAN.

8.10 a. m.

[Exhibit S.]

Letter head of forty-sixth general assembly, State of Illinois, house of representatives.]

OTTAWA, ILL., *November 2, 1909.*

Hon. CHARLES A. WHITE,
Briggs House, corner Randolph street and Fifth avenue,
Chicago, Ill.

FRIEND CHARLIE: I inclose telegram received by me this morning from James L. Monaghan, in the county building of Chicago. He "owns" one of the offices in the county building and can be found there. He is one of the promi-

nent fellows in Cook County and everybody knows him. I wired you this morning, instructing you to go to Chicago at once. You are to go at once to Charles A. Ward, secretary to Senator Lorimer, on the ninth floor of the Rookery Building, on La Salle street, and tell him who you are and that you were sent there by me in response to a telegram from Monaghan. He will at once take you over to Monoghan, or send you over to him with a note. In case you find Ward out, you will go at once to Monaghan and tell him who you are and that you were sent there by me in response to his telegram. Monaghan will at once place you at work. As I told you in a letter some days ago, this job is only temporary and will pay you probably $75 a month. As soon as Congress opens in December, or shortly after, Lorimer thinks that he will be able to place you at something more remunerative and something that will enable you to be in your home district more of the time. In any event, this was the best that I could do for you at this time, and, under the circumstances, it will help out a whole lot. Now, then, I want to talk to you just a minute right from the shoulder. You may not like it, but just the same it will do you good if you will listen to it and take heed. When you go up to Chicago and start in at this job, just remember that you have got to make good. Also remember that if you don't make good, you are throwing me down. Just cut out all your foolishness, the booze and other things, and get down to the hard-pan basis and do what is right. You have got to learn to cut your coat according to the cloth and realize that there is just so much to get along on. In this way you will eventually be able to get in a place where you can spread out a little more. Now, then, you do what is right, and do the best you can, not only on your own account but on mine, and I will do my best to see that you get along all right and that you are helped just as fast as there is a chance to help you. I am your friend, as you well know, and I will do anything I can for you, but you have got to do for yourself also. I hope to see you before very long. Write me a letter and tell me all about it just as soon as you have an opportunity.

Yours, truly,

LEE O'NEILL BROWNE.

Q. Did you write that letter to the Belleville Democrat [handing witness paper]?

Mr. AUSTRIAN. That purports to be a printed letter.

The WITNESS. There was an editorial attached to this.

Mr. AUSTRIAN. That is not the letter.

The WITNESS. The letter is attached to an editorial; the letter itself was partially dictated by Mr. Browne. It is a composition of a letter by Mr. Browne and myself.

Q. Sent under your name?—A. Yes, sir.

Q. You signed it, did you?—A. Yes, sir. I would not say that is the letter. There is an editorial with it.

Judge HANECY. We offer this letter in evidence.

(Received, read, and marked Exhibit T.)

[Exhibit T.]

SPRINGFIELD, ILL., *May 29, 1909.*

Hon. FRED J. KERN,
Belleville, Ill.

MY DEAR MR. KERN: I received the copy of your paper, the News-Democrat, and read with great interest your editorial relative to the position of the Democratic members of the legislature taken in settling the longest drawn-out senatorial contest ever experienced in the history of the State of Illinois.

It gives me pleasure to know that there are men in public life, prominent in the Democratic party, who can look upon a situation of this character with as broad and liberal views as you have expressed yourself through the editorial of your valuable paper. The Republican party of this State is, as has been demonstrated in this present session of the legislature, divided in such a manner that it was practically impossible, beyond any reasonable doubt, for the to settle this long and expensive drawn-out contest, and feeling that the State of Illinois should be represented in the United States Senate during the critical moments by a man from this State, I felt it a public duty, after careful

onference with older and more experienced workers in the Democratic ranks, o cast my vote for the Hon. William H. Lorimer for United States Senator.

This contest has been carried on now for five months, and I voted upon ach ballot for a Democratic candidate, and realizing that the State has been ut to an expense of many thousands of dollars through the disruption in the Republican ranks, I believed that it was a charitable act in the interest of the axpayers and the whole people of the State of Illinois for the Democratic arty here in the house and senate to step in and settle their unsolved and ncompromising difficulties, and relieve the State of the suspension and anxiety onnected with torture and extravagance which they have carried on here for hese long, drawn-out months.

I again wish to express my sincere thanks to you and your editorial staff or the kind sentiment you have expressed publicly in defense of the Demoratic party's action here. True, I expect condemnation from both Democrats nd Republicans for my action here in voting for a Republican; but, however hat may be, I presume that no man in public life is exempt from criticism t some time or other, and knowing that I was here where the situation was onstantly before me, and that it was my duty to take some step in the interest of the people, I did the best my judgment would permit me to do under he prevailing circumstances. You may state, if you desire, the substance f my communication to you through your press, that there may be no misnderstanding as to the motive of not only myself but of the 53 loyal Demorats that voted for a Republican for United States Senator. With best ishes, I remain,

Your friend,

CHAS. A. WHITE.

Judge HANECY. The preceding part to which the letter refers I id not read before, I did not know that the letter referred to it. It s as follows:

WHAT WHITE SAID TO THE EDITOR.

The News-Democrat has an interesting letter from Charles A. White, the lf-confessed briber and perjurer, in which he——

Mr. AUSTRIAN. We object; that is a part of the newspaper article.

Judge HANECY. I don't care to read it.

Senator BURROWS. What is the date of the letter?

Judge HANECY. May 29, 1909. Three days after the election of Ir. Lorimer and five days before the close of the session.

Mr. AUSTRIAN. I move that so much as he did read be stricken out.

Judge HANECY. I will withdraw that.

Senator GAMBLE. What was the date of the newspaper in which at appeared? Was it a recent publication?

Mr. AUSTRIAN. I think about the 1st of June of last year, that is y understanding.

Q. What is the date Mr. White?—A. On or about that time.

Q. On or about the 1st of June, 1909?

(No answer.)

Mr. AUSTRIAN. I don't know anything about the editorial.

WITNESS. The editorial is the result of a republication of this tter. The letter was practically written by Mr. Browne.

Q. It was published in the Belleville paper, when? That is, your tter of May 29, 1909, was published in the Belleville News-Demoat when?—A. Shortly after the election of Mr. Lorimer.

Q. Shortly after you wrote this letter?—A. Yes, sir; after he reived that letter.

Q. Probably within a day or two? When was the article—when as the paper from which this piece was cut out and published, that es on and calls you some names?—A. I don't know that.

Mr. AUSTRIAN. It was about April 30, 1910.
Senator GAMBLE. That occurred to me.
Judge HANECY. This is a republication of the letter.
Mr. AUSTRIAN. Anything given to the official stenographer as an exhibit, we want only so much of it as goes to the official stenographer read into the letter.
Senator BURROWS. The editorial will not be received.
Q. Mr. White, do you know Catherine Woods?—A. Yes, sir.
Q. Where does she live?—A. East St. Louis the last time I knew of her.
Q. She has lived there considerable time, hasn't she?—A. I can't say how long she has lived there.
Q. How long did you know her there?—A. Oh, I should say I met her in the cigar counter there——
Q. (Interrupting.) How long, that is all I ask?—A. I only met her at her place of business at times.
Q. When did you first meet her there?—A. I couldn't say positively; last fall or last summer.
Q. This summer of this year or the summer and fall of last year?—A. Last summer; I can't say just how long.
Q. Didn't you ever meet her before the fall of 1909?—A. I don't think I did; I may have met her before that.
Q. What is her business there?—A. She runs a cigar store—a cigar counter—clerks in a cigar store.
Q. She owns it herself, doesn't she?—A. I understand she has bought it out recently.
Q. She and her sisters and her mother run it?—A. I don't know who the people are that run it. I understand she bought it out after they left there. I met her at the cigar counter.
Q. You talked with Catherine Woods on a number of occasions, didn't you?—A. I talked with her several times; yes, sir.
Q. You talked with her about this case and about what you were going to do and what——
Mr. AUSTRIAN. I submit that counsel should ask him what he did say; this is not cross-examination.
Judge HANECY. I supposed I had to lay the foundation by asking him whether he had any such a conversation. If you do not want me to lay the proper foundation, I will not.
Mr. AUSTRIAN. You have laid a sufficient foundation to suit me.
Q. Catherine Woods testified in the two cases—two trials—of the people against Lee O'Neill Browne in this county.
Mr. AUSTRIAN. I object to that as immaterial whether she testified in those trials or what she testified to on those two trials, and I submit that any testimony upon that subject-matter is incompetent and whether or not Catherine Woods testified, that is not competent. It will be competent when she comes upon the witness stand, if she does, for me to ask her whether or not she did not testify.
Judge HANECY. It is laying the foundation for putting her on.
Mr. AUSTRIAN. You needn't ask him what you testified to.
Judge HANECY. I want to identify her as the same person.
Mr. AUSTRIAN. Ask him whether she is the same Catherine Wood that testified there and I will admit that she did testify. I will admit she is the same person so far as I know.

Mr. AUSTRIAN (to witness). That is the same person, isn't she, Mr. White?—A. I suppose so; yes, sir.

Judge HANECY. You talked with her in East St. Louis and heard her testify here?—A. Yes, sir; the same Catherine Woods that I talked with in East St. Louis.

Senator GAMBLE. That identifies the individual.

Q. Did you take Catherine Woods to supper or dinner or to a meal in St. Louis or East St. Louis?—A. I think there was one occasion that we had a lunch over in St. Louis.

Q. Did you have a talk with her about the election of Senator Lorimer, and the things about which we are interested here?

Mr. AUSTRIAN. I object to that as too indefinite.

Q. Did you take her out to a meal?—A. Yes, sir.

Q. Did you tell Catherine Woods at that time and place that you were writing a history of your life, and of the Illinois legislature?—A. No, sir.

Q. And that you expected to make a fortune out of it, and that the Lorimer bunch would have to pay you enough money to take care of you the rest of your life, and that if the Lorimer bunch didn't do it, he would make it hot for Lorimer. Did you say that to her?—A. No, sir.

Q. Or that in substance?—A. No, sir.

Q. Did you state further in that conversation that you were going to run for Congress; that rich people of Chicago were backing you, and that you had spent $3,000 and a lot of time in making a history of your life and the Illinois legislature, and that you were going to get it back, and did you say—did she say to you, "You will land in the penitentiary, Charlie," and did you reply, "No, I will not; I have influential friends who will protect me." Was that conversation had there?—A. No, sir.

Q. Or that in substance or anything like it?—A. No, sir.

Senator GAMBLE. The time was some time in the summer of 1909.

Judge HANECY. In the summer or fall of last year, about the time he was preparing this history.

Q. Can you fix the date—the month and year—as near as you can, when you took Catherine Woods to dinner at St. Louis?—A. I don't remember just when that was, just; I guess it was one day, possibly, last fall.

Q. The fall of 1909?—A. Yes, sir; some time then.

Q. You don't know what month?—A. It might have been earlier in the summer; I can't say just when.

Q. Where did you take her; that may refresh your recollection, when you left East St. Louis?—A. I think I never was over there with her but once, to St. Louis, to my knowledge. I think we went to the theater or matinee that afternoon and had dinner afterwards. I think we went to some restaurant there and had a lunch, a little beer or something like that.

Q. Did you go to Nagel's?—A. It might have been Nagel's; I am not positive about that; it might have been.

Q. Did you go back from that trip and take her to a show or some play?—A. I think we went out that evening.

Q. In East St. Louis?—A. I think we did.

Q. This town she lived in, it is in the county that O'Fallon, the town you live in, is?—A. Yes, sir.

Q. O'Fallon is a town in St. Clair County?—A. Yes, sir.

Q. East St. Louis is in St. Clair County?—A. Yes, sir. East St. Louis is not the county seat; O'Fallon is the county seat. They are in the same county—St. Clair County.

Q. O'Fallon is immediately south of East St. Louis?—A. It is east of East St. Louis.

Q. On your way home that evening did you tell Catherine Woods in substance that you were going to get a lot of money out of the Lorimer bunch—enough to take care of you the rest of your life?—A. No, sir.

Q. Did you tell her that in substance or anything like it?—A. No, sir.

Q. William Rodenberg is Congressman from your district, isn't he?—A. Yes, sir.

Q. Did you say to Catherine Woods at the luncheon or meal that day that you were going to get something out of Rodenberg, that you were going to put him out of business, and that you would then run for Congress and settle down and get married?—A. No, sir.

Q. Did you say that or that in substance or anything like it?—A. No, sir.

Q. Did you ride with Catherine Woods on a street car running out of East St. Louis at any time?—A. Did I ride with her on a street car?

Q. Yes. Did you take her on a street car any place?—A. I think I have taken her out on the car as far as the street she gets off.

Q. You got out and walked with her on some of those occasions?—A. I have only been with her two or three times; I would not be positive.

Q. About Thanksgiving Day did you walk out with Catherine Woods from the hotel where her cigar stand is, from down town to her home, and then stand and talk with her in front of her house?—A. About when was that?

Q. Thanksgiving Day, 1909.—A. Well, I don't remember; just only I walked home with her three or four times. She gets off from work at 9 o'clock at night, and I have been down with her at that time and walked out with her there, but I would not be positive as to the time or try to fix any time.

Q. About Thanksgiving Day?—A. I don't remember that, and will not try and fix any date on those things. I have only been with her three or four times.

Q. On that occasion, about Thanksgiving Day, did you tell her—that is, Thanksgiving Day, 1909—in front of her house to watch the Chicago papers, or did you tell her that you had been up in Chicago several times and that she should watch the papers, for you were going to make enough out of the Lorimer bunch to live comfortably and that you were going on a trip to Europe when you got the trouble started, and that when you got the trouble started you were going to get out and let them fight it out?—A. No, sir.

Q. You did not tell her that or that in substance or anything like it?—A. No, sir; had no such conversation.

Q. Is it or not a fact that you are in the custody of an officer now to prevent you going away?—A. What is that?

Q. Is it not because of that statement that you are now in the custody of an officer of the State's attorney's office, so you can not g

way? Don't you know that you are in the custody of an officer ow?—A. I don't know why I am. I don't know for what reason am in the custody of an officer, except they told me that I was a vitness in other cases.

Q. Did you on that occasion exhibit to her a revolver?

Mr. AUSTRIAN. I object to that, it makes no difference whether he id or not.

Senator BURROWS. We can not take time with questions of that ind.

Q. Did you on that occasion say to Catherine Woods—didn't Catherine Woods say to you on that occasion that you would get nto trouble, and didn't you answer, "No, I don't fear; I have rich eople helping me, and they will take care of me. I am not afraid f getting into trouble. I killed two men down South and nothing appened to me for it; one of them I killed was a white man, and the ther was a nigger." Did you tell her that?—A. No, sir.

Q. Or that in substance?—A. I had no such conversation with her t all.

Senator BURROWS (to witness). I understand you to say there was o such conversation.—A. No, sir.

Q. Do you know William Stermer?—A. I met him through Browne. I know him when I see him, and speak to him. I met him nrough Browne at the Briggs House.

Q. Did you have a conversation with him in Chicago on or about August 19, 1909, in the barroom of the Briggs House in Chicago, at which were present you and William Stermer and Fred Zentner, a raveling salesman?—A. I met Mr. Zentner through Mr. Browne here in the Briggs House, and we had a conversation there.

Q. In the barroom of the hotel?—A. Yes, sir; we had been in and ad drinks in there.

Q. On or about August 19, 1909?—A. I don't know what the conersation was; I might have been in there at that time.

Mr. AUSTRIAN. They can not impeach the witness wholesale. They can ask for the conversation on or about August 19, 1909—did e say so and so to William Zentner; that is the proper way.

Q. On the 19th of August, 1909, did you have a conversation with William Stermer and Fred Zentner, a traveling salesman, in the arroom of the Briggs House?—A. I don't recall any conversation t this time; we might have had some conversation.

Q. When you three were present, you and William Stermer and Fred Zentner?—A. I don't recall any conversation now, unless there s something to refresh my memory.

Q. Were you and Fred Zentner and William Stermer together in he barroom of the Briggs House?—A. We have been in the bar; I would not be positive about the dates.

Q. You were there together?—A. Yes, sir; we have been in there ogether, but I can't fix the date. It was along during that month hat Browne and I made a trip across the lake, and the chances are ve were together in there different times.

Q. Was it about August 19?—A. I would not fix the date now; t was along in August that Browne and I made a trip across the ake—Browne and I and other people—and the chances are we had conversation in the buffet there.

Q. In that conversation did you say, in substance, that you were going to take a big trip in the fall and winter; that you were going to your home at O'Fallon and then down to New Orleans, then to Cuba and up to New York, and that you were going to have a big time in New York and then come back home again; and did either Stermer of Zentner say to you, "You must have a lot of money to spend for anything like that;" and did you then say no, that you did not have a lot of money, but that you were going to get it and were going to get it without work; and then did Zentner ask you how you were going to do that; and did you say, "Well, that Lorimer crowd and our old pal Browne have got to come across and do it hard when I say the word, and I am going to say it;" then did Stermer say to you, "Have you got anything on it?" and did you say, "No, I ain't; I got the worst of it down there in Springfield but that makes no difference; I voted for Lorimer and I am a Democrat; and I can say that I got money for voting for Lorimer, and do you suppose they could stand for it a moment? I guess they will cough up when I say the word to them;" and then did Stermer say to you, or did Zentner say to you, "God, you wouldn't treat Browne that way, would you?" and did you say, "I am looking out for White, and besides Browne wouldn't have to pay; that bunch behind him would have to; that it would not hurt him." Did you have that conversation, or that in substance, at that time and place?—A. No, sir; or no other place.

Q. Nothing like that?—A. No, sir; not there or any other place.

Q. I ask you now with reference to Fred Zentner; that was with reference to Stermer. Your answer to the preliminary questions as to the conversation at that time and place will be the same, I suppose, as they were in relation to my questions in relation to Stermer?—A. I stated I had no such conversation with those people there or any other place.

Q. That is not what I mean. You answered first about having a talk with Stermer and Zentner together in the buffet in the Briggs House, somewhere about the 19th of August, 1909, but you did not remember the specific date?—A. I said that was during the time that Browne and I were across the lake spending lots of money, and we had conversations there at different times, but I can not fix the dates.

Q. Your answer would be the same to that conversation as it was when I asked you before, that is all I want to know; is that right?

Mr. AUSTRIAN. He has answered in reference to both of them.

Judge HANECY. He answered my impeaching question in reference to Stermer alone.

Q. Didn't you say at that time in the presence of Fred Zentner and William Stermer, assistant manager of the Briggs House, August 19, 1909, as follows: That you were going to take a big trip in the fall and winter; that you were going to your home in O'Fallon, then to New Orleans, then to Cuba and up to New York, and that you were going to have a large time in New York, and then you were coming home again? Did you say to him at that time and place in that conversation—did they say to you, "You must have a lot of money to take a trip like that;" and did you say, "I don't have to have a lot of money, but I am going to get it, and I am going to get it without work;" and did Zentner say to you at that time—did you say to Stermer or in his presence at that time, "I don't have to have

a lot of money"—or Zentner—"but I am going to get it, and I am going to get it without work;" and did Zentner say to you at that time and place, "What do you mean?" and did you say, "Well, that Lorimer bunch and Browne have got to come across?"—A. I had no conversation there or anywhere else.

Q. Neither that nor that in substance?—A. No, sir; no such conversation at all.

Q. At that time did you say to Zentner that you were going to have a big trip in the fall and winter; that you were going to your home in O'Fallon, then to New Orleans, then to Cuba, and then up to New York, and that you were going to have a large time in New York; then you were coming back again; did you say that to him at that time and place in that conversation, and did Zentner say to you that time and place, "You must have a lot of money to take a trip like that," and did you say to Zentner, "I don't have to have a lot of money, but I am going to get it, and I am going to get it without work;" and did he say to you at that time, "What do you mean?" and did you say, "Well, that Lorimer bunch and Browne have got to come across?" and did Zentner then say to you, "What do you mean by that?" and did you say, "I got the worst of it at Springfield; I voted for Lorimer, and I am a Democrat, and if I say I got money for voting for him I guess they will come over, won't they?" and did Zentner say to you at that time and place, "My God, White, you wouldn't do that to Browne, would you?" and did you say in response to that, "I am looking out for Charlie; and, besides, Browne wouldn't have to stand for it." Did that conversation take place at that time?—A. No, sir; or no other time.

Q. Neither that nor that in substance?—A. No, sir.

Senator BURROWS. Never at any time?—A. No, sir.

Senator BURROWS. Or no other place?—A. No, sir; no other place. This man was a confidential friend of Browne's.

Q. Do you know Thomas Kern, a member of the legislature?—A. Yes, sir; I don't know him any too intimately; I have seen him and know who he is.

Q. He was on the same committee you were, wasn't he?—A. I think he was chairman of the committee on labor and industrial affairs.

Q. Of which you were a member?—A. Yes, sir.

Q. In the same session of the legislature that you were?—A. Yes, sir.

Q. Thomas Kern was a member of the session before that, when you were there as a lobbyist for some labor union, wasn't he?—A. He was in the forty-fifth general assembly. I didn't know him at that time; I may have been introduced to him.

Q. You knew who he was?—A. I knew him by sight.

Q. Did you have a conversation with Thomas Kern just after Senator Lorimer was elected United States Senator and just before the close of the session out in the cloakroom of the house of representatives, in Springfield?—A. No, sir; I don't recollect having any conversation with him at all in the cloakroom.

Q. Did you in the house any place?—A. Oh, I don't remember now; I had very little to do with him. I don't think I ever had any conversation except one thing particularly. He mentioned that during the special session he saw Browne and myself in Michigan

with certain people and recalled the circumstances, etc., and the place where he met us. I didn't remember of seeing him over there.

Q. Did you talk with Kern about defeating a bill or holding up a bill that was before a committee of which he was chairman?

Mr. AUSTRIAN. When?

Q. (Continuing.) So you could get some money out of it——A. (Interrupting.) No, sir.

Q. (Continuing.) On the 27th of May, 1909?—A. No, sir.

Q. Known as the "Women's eight-hour bill?"—A. No, sir.

Q. You didn't have any such conversation with him?—A. No, sir.

Mr. AUSTRIAN. Do you expect to call Mr. Kern?

Judge HANECY. Yes, sir.

Mr. AUSTRIAN. Then I submit that he has got to make the question more specific, if he desires to impeach the witness.

Judge HANECY. I am going to; this is merely preliminary.

Q. Did you say to Thomas Kern in the corridor of the statehouse the 27th day of May, 1909, the next day after Senator Lorimer was elected, "Kern, are you going to report the women's ten-hour bill in?" and did he say to you, "I surely am; I am with that bill." Did you say then to Kern, "What do you do that for. If you will hold it up there will be something in it for us," and did Kern then say to you "There can't be anything in this bill for me; I am not that kind." and did you then say to Kern, "What the hell; are you afraid?" and did Kern then say to you, "No; I am not afraid, but I am going to report the bill in." Then did you say to Kern "Will you hold it up for just a little while?" and did Kern say to you "Oh, no; I will report it in just as soon as the clerk calls for the report of committees; I will not hold it for a minute," and did you then laugh and walk away and say "I thought you were all right," and did Kern say "So I am." Did you have that conversation?—A. No, sir.

Q. With Thomas Kern, chairman of that committee?—A. No, sir; no such conversation took place.

Q. Nothing like it?—A. No, sir.

Q. At the same time, did you have this conversation with Thomas Kern, did you say to Thomas Kern, "Was there anything doing on that senatorship election of Lorimer yesterday?" and did Kern say "Not that I know of; I heard of nothing of the kind; you are a Democrat and voted for him, and you ought to know if there was; why do you ask?" Did you say to Kern, "Well, I didn't know, I thought there was; I thought that Browne was double crossing us; I thought I was being double crossed," and did Kern say, "I know nothing about it at all, and I have heard nothing." Did such a conversation take place?—A. No, sir; no such conversation took place.

Q. Nothing like it?—A. No, sir.

Q. Do you know William Russell?—A. Yes, sir.

Q. He is a labor leader here?—A. Supposed to be.

Q. And has been for some years?—A. Yes, sir.

Q. He was secretary of the labor lobby at Springfield and of the labor lobbies in different parts of the State?—A. I didn't know him. I was not in the conferences as a body at any time.

Mr. AUSTRIAN. You have identified him and it makes no difference whether he was the first secretary, under secretary, or king secretary; you have identified the man.

Judge HANECY. I will show that William Russell was labor lobbyist and secretary of all the labor lobbyists from all the different organizations that had representatives there from the State at large.

Mr. AUSTRIAN. This is for the purpose of impeaching?

Judge HANECY. I don't care to waste time on it.

Mr. AUSTRIAN. You have already wasted a lot of time asking what he knew about it.

Q. During the month of March, 1910, did you have a conversation with William M. Russell on Madison street, between Clark and Dearborn, in the city of Chicago?—A. What is the conversation?

Q. Did you have any conversation?—A. I might have; I may have met him and had a talk with him.

Q. Did you meet him?—A. I think I met him in the spring of 1910.

Q. At that place at that time?—A. Somewhere on Madison street; I recollect of meeting him here.

Q. Did you meet him at some nickel theater?—A. I think it was in the spring, some time this spring. I met him in one of those 5-cent theaters on Madison street there.

Q. Between Clark and Dearborn, was it not?—A. Yes, sir.

Q. Did you walk with him from there to the Palmer House and meet a state senator there?—A. Yes, sir; he walked with me at the time I met him there, but I will not fix a date, but it was in the spring, and we met Senator Gibson at the Palmer House.

Q. State Senator Gibson?—A. Yes, sir.

Q. In that conversation, did Russell say to you, "You are flying pretty high for a labor scape," and did you say to Russell, "Yes; and I will fly a damn sight higher before I get through." Then did you say to him, "Do you know anything about senatorial graft in the legislature," and did William Russell respond to you, "No; I was looking after labor matters and know nothing about any other subject." Then did you say to Russell, "The leaders gave me the worst of it in the legislature and I am going to make them put me on Easy Street, or I will make it damn hot for them." And did Russell say to you at that time, "Charlie, labor has many friends among the leaders on both sides; don't do anything that will hurt the labor organizations in the future." And did you say to Russell, "I don't give a damn for them, I am looking out for Charlie White." And did Russell say to you at that time and place, "If you know anything about graft tell me about it and I will make it worth your while." Then did you say to Russell, "I have no information on the subject whatever," or did Russell say to you, "I have no information on the subject whatever and know nothing and have heard nothing about graft." Did that conversation take place?—A. No; that conversation did not take place, but there was mention made there of the Lorimer election, and Russell admitted to knowing from what sources some of that money came from and made mention of the fact that the Tribune editor—Russell told me knew all about it.

Q. Do you know James B. Joy?—A. I never heard of him before until his name was mentioned in a crowd of people.

Q. You now know him?—A. I saw him testify. He walked out with me, but I didn't know who he was until they pointed him out to me.

Q. He is a saloon keeper at Springfield?—A. That is what they told me; I didn't know him.

Q. He is the same man that you heard testify or who did testify in the criminal court of Cook County?—A. I didn't hear him testify.

Q. He is the same man?—A. I suppose he is the same man, I didn't know him, he was pointed out to me when going out.

Q. You know he keeps a saloon——A. (Interrupting.) I don't know only his name being told me in the criminal court; besides he was called on the witness stand, that I know, and they asked me if I knew him and I told them, "No; I never heard of him before."

Q. You lived at the St. Nicholas Hotel in Springfield?—A. That is where I stopped.

Q. 424 Monroe street was where Joy's saloon was, three blocks south of there?—A. I don't know anything about it, where his saloon was.

Q. You know where 424 East Monroe street is?—A. I don't know except the street passing in front of the hotel and Capitol avenue. I did not familiarize myself with the city.

Q. During the month of May, 1909, didn't Mr. Joy have a saloon across the street from the St. Nicholas Hotel?—A. I don't know.

Q. Directly across the street?—A. I don't know whether he had or not.

Q. How long did you stop at the St. Nicholas?—A. I made that my stopping place during the session.

Q. That session commenced early in January and continued until the 4th of June?—A. Yes, sir.

Q. Did you stop at the St. Nicholas Hotel as a lobbyist during the previous session of the legislature?—A. When I was representing labor there before the committees, if you call that lobbying, we will let it go at that.

Q. You stopped at the St. Nicholas Hotel?—A. Yes, sir; and the Silas Hotel, an annex to the St. Nicholas. It was all managed by John McCreary there.

Q. Just an alley between and a bridge across?—A. The Silas Hotel is on the opposite side of the street entirely.

Q. Diagonally across?—A. Yes, sir; but there is no connection there—no bridge there.

Q. There is now a bridge across the alley?—A. Yes, sir; a new addition that has been built recently.

Q. Did you have a conversation in Joy's saloon or the saloon of Joy & Keifner, 424 East Jefferson street, Springfield, Ill., a few days before William Lorimer was elected United States Senator?—A. Is that the question?

Q. No; I am not through yet. And in that conversation, did you say "I could have voted for Stringer for Senator for the next seven years and get no pay for it, and there would be nothing doing or in it for me," and that you were going to vote for William Lorimer although there was nothing in it for you, that you tried to get Lorimer and Browne and others to come across with some money for so doing but had failed, but that notwithstanding you were going to vote for Lorimer because you knew that Lorimer would have a lot of jobs and that Browne had promised to help you get a job, and besides if Lorimer was elected you would then make Lorimer and Browne come across good and plenty with the coin, because Lorimer had lots of

political enemies and people would readily believe that you and other Democrats like you who had voted for Lorimer got money for so doing. Did you have that conversation at that time and place?—A. No, sir; or no other place.

Q. With Mr. Joy?—A. No, sir; or no other place. I don't even know the man.

Q. Do you know George Gloss, a street-car motorman in Chicago?—A. Yes, sir.

Q. He is the same man who testified in the Browne case?—A. Yes, sir; he testified.

Q. Mr. White, you testified here on your direct examination in answer to Mr. Austrian, that the conversation—that the time you got $850, the last of the balance of what you call the Lorimer money on the 16th of June——A. (Interrupting.) I said——

Q. (Continuing.) And on the cross-examination you testified that the $50 was paid to you—strike that out, I will reform the question—on your direct examination, in answer to Mr. Austrian——

Mr. AUSTRIAN (interrupting). I object to that; it is not competent or proper practice to prove a witness's testimony on direct examination. Counsel can deliberately put any question he wants on cross-examination, but it is incompetent to repeat any question——

Judge HANECY (interrupting). I want him to tell me just the right date. In the last trial of the Browne case they called two witnesses, Mr. Simmons, a very large contractor here, who testified that he was present——

Mr. AUSTRIAN. I object to what he said or what he testified to in the Browne case.

Judge HANECY. I want to lay the foundation for calling Mr. Simmons to testify to something, and this witness testified upon that trial that the $850 was paid to him in the Briggs House, and that the $50 was paid to him on the 16th and the $850 was paid to him on the 17th. Mr. Simmons and another witness, whose name has gone from me now, testified that they saw Mr. White and Mr. Browne talking in the lobby of the Briggs House on the 17th of that month, and that Mr. White borrowed or asked for a loan from Mr. Browne of either $25 or $50, and that Mr. Browne loaned it to him on that occasion. On the direct examination here this witness testified that he received $50 on the 15th of that month and $850 on the 16th of that month, varying the date there so as to get it on a day, as we assume—and if it is not so I want him to correct it—as we assume he showed that it was a different date that he got the $850 from that testified to by Mr. Simmons, a reputable business man, and the other gentleman. All I want is to call his attention to that and ask if that is the correct date. He says now that is the correct date, the 15th when he got the $50——

Senator BURROWS. Ask the question.

The WITNESS. I think my testimony will show that I stated that it was on the 16th that I received the $50 and on the 17th I received the $850. I do not think I varied from that a particle.

Q. That is right, is it?—A. According to the documents; those documents are here and they will show that I received that money and paid off bills in East St. Louis with it.

Judge HANECY. I did that so there would be no conflict in this regard as to the date of the payment.

The WITNESS. I fix that date by the documents I have here of bills received on the 18th.

Senator BURROWS. You stated the date; that is sufficient.

Q. Mr. White, you testified on your direct examination here that Mr. Browne first talked with you about voting for Mr. Lorimer for Senator on the—or had the conversation with you in your room at the St. Nicholas Hotel, in room 133, I think, on the night of the 24th of May, 1909?—A. No; Mr. Browne came to my room, 133, and invited me to his room, where the conversation took place.

Q. That is what I wanted. Now——A. (Interrupting.) He invited me to his room.

Q. Mr. Browne went to your room, 133?—A. Yes, sir.

Q. What was Mr. Browne's number?—A. One hundred and one.

Q. On the same floor your room is?—A. Yes, sir.

Q. About 50 feet away from it?—A. I should judge a little more than that the way you turn down the hall.

Q. Fifty to seventy-five?—A. May be that; I would not fix the distance.

Q. The St. Nicholas Hotel has a telephone service in each room?—A. The rooms I have been in have.

Q. Had in Browne's room, didn't it?—A. I think it had.

Q. When Browne wanted you, generally when in his room, he generally telephoned to your room and asked you to come to his room?—A. Mr. Browne didn't generally call me in his room by 'phone or messenger or otherwise. I don't recollect of him sending for me to come in there——

Q. (Interrupting.) You say he did come to your room, 133, on the night of the 24th of May, 1909?—A. Yes, sir.

Q. At what time?—A. Oh, it was—I don't remember the exact time—between 10 and 2 o'clock.

Q. Between 10 o'clock at night and 2 o'clock in the morning?—A. Yes, sir.

Q. Who was in your room when Lee O'Neill Browne went there and asked you to come to his room?

Mr. AUSTRIAN. I object to that as immaterial. That does not prove to tend any issue in the case. I have not asked him who was in his room at the time.

Judge HANECY. No, sir; you very carefully and skillfully avoided that.

Senator BURROWS. The testimony will be admitted for the present.

Senator GAMBLE. I think it was stated in the other examination that there were two parties in the room.

Mr. AUSTRIAN. No; that is what you heard read.

Senator GAMBLE. I had that in mind, probably from some other source.

Mr. AUSTRIAN. No such conversation took place there?

Judge HANECY. I object to his advising the witness.

Mr. AUSTRIAN. I say the evidence will not disclose that any conversation took place except Browne invited White into his room. Is that correct?

Judge HANECY. No; it is not correct.

Q. Who was in your room at the time that Lee O'Neill Browne went into your room on the night of the 24th of May, 1909?—A. Otto Yarborough and Sidney Yarborough.

Q. What does Otis do?—A. A conductor on the electric railway.

Q. What is Sidney's business?—A. He is conductor on the Milwaukee Electric Railway.

Q. The Chicago and Milwaukee Electric Railway?—A. I don't know the name of the railroad company. It is the electric road running from Milwaukee.

Q. Where was Sidney and Otis Yarborough when you say Browne came into your room on that night?—A. In bed.

Q. Together?—A. Yes, sir.

Q. In that room?—A. Yes, sir.

Q. Were they asleep when Browne went there?—A. No, sir.

Q. Did Browne have any talk with you in their room at that time?—A. Oh, he said a few words; he made some little jocular joke about three being in the room and invited me to go to his room, he wanted to talk with me.

Mr. AUSTRIAN. Counsel said, "In their room."

The WITNESS. I meant in my room.

Mr. AUSTRIAN. You said in their room.

Judge HANECY. No; in his room.

Q. How many beds were there in that room at that time?—A. Two beds.

Q. Was there not but one?—A. No, sir; there was two.

Q. Now, did Sidney and Otis Yarborough hear the conversation between Browne and you?—A. They heard Browne invite me to his room.

Q. And the jocular remark, whatever that was?—A. Yes, sir. I don't recollect exactly the words that he used now, but some sort——

Q. (Interrupting.) What is your best recollection as to what it was?—A. Some sort of a remark about three being crowded in one little room; something about that.

Q. It was a little room, was it?—A. Yes, sir.

Q. He mentioned three, didn't he?—A. Yes, sir.

Q. Three being in that room; you and the two Yarboroughs?—A. Yes, sir; I don't know whether he said three or not; he may not have used the word "three;" I will not be positive about it.

Q. How long had you known the two Yarboroughs?—A. I have known them possibly four, five, or six years.

Q. You got one of them a job at the statehouse. Did you get him on the pay roll in Springfield?

Mr. AUSTRIAN. Can the committee see any materiality about that testimony? You can state any state of facts you want to, but tell me the materiality upon any theory of this line of examination.

Judge HANECY. I propose to show that this witness, because he was a member of the legislature, he had the right to appoint somebody to a job and get him on the pay roll, and got Browne to put one of the Yarboroughs—I don't remember which one—Otis—on the pay roll at Springfield, and this Yarborough drew the salary all the time during the full session and at the time of the first trial of The People against Browne here, neither of the Yarboroughs were called as witnesses by the prosecution or anybody else. That on the second trial of The People against Lee O'Neill Browne, the prosecution called both of the Yarboroughs and they were both sworn and both testified that they were there in White's room, 133, in Springfield, on the night of the 24th of May, two days before the vote for Lorimer was

taken to corroborate the testimony of White. Both of the Yarboroughs testified that they were in his room and that they heard the conversation, and that they heard Browne ask this witness to go to his (Browne's) room, where this witness stated Browne first made the proposition to White to vote for Lorimer, in which Browne said, he would give White $1,000 for voting for him.

Mr. AUSTRIAN. You don't pretend they were present?

Judge HANECY. No, but they were put on to corroborate the visit of Browne to his room, and inviting him into his room, and then White stated the other conversation in Browne's room, that Browne asked him to vote for Lorimer, and they were to pay him $1,000 for it. They showed by William Gloss and William Gloss's wife and a street-car motorman in Chicago, by the name of Bell, that one of the Yarborough's—Sidney Yarborough—was in Chicago on the afternoon and night of the 24th of May, and that he slept at the house of Mr. and Mrs. Gloss and had breakfast there the next morning, on Springfield avenue in Chicago, and that the birthday of Gloss's boy was the 26th of May, and on the 25th Yarborough gave the boy a quarter to buy a baseball bat for his birthday, and that he then went back to Springfield. Bell testified that he met Sidney Yarborough on a street car that Gloss was running and that they rode together on the evening of the 24th of May, when it was said that the two Yarboroughs were in this witness's bed. Then we called the conductor of the Illinois Central and proved by him that Yarborough rode from Chicago to Springfield on the afternoon or the evening of the 25th of May and rode on White's pass, and signed White's name to the pass. And we produced the pass, or it was produced there, and on the pass Yarborough rode from Chicago to Springfield on the afternoon of the 25th of May. Now, that is the reason why they didn't ask him who was present in that room, because they knew what would follow.

We want to show all the facts and circumstances and that this corroboration that they want to show of White's testimony, that he was bribed, corroborated by the Yarboroughs. They called both of the Yarboroughs at the last trial and did not call either of them at the first trial, although one of them had been on the pay roll of the State at Springfield during the entire session. I want to show their relation for the purpose of showing that White knew at the time of the first trial, and although he could easily have had Yarborough and Yarborough said he would go to Hades—only he used the other word—for White. He said Browne invited him into his room. I want to show the relationship between one of the Yarboroughs and White; that White put him on the pay roll all the time he was there that he was working for White, and not in Springfield or East St Louis.

Senator BURROWS. What is the question?

(Last question read by the stenographer.)

The WITNESS. I find, Mr. Chairman——

Senator BURROWS. Let him answer.

The WITNESS. Mr. Browne did get him a place through my suggestion.

Q. You took him from Springfield—Sidney Yarborough—you took Otis Yarborough from Springfield back to O'Fallon with you as your secretary, didn't you?

Mr. AUSTRIAN. I object. Judge Hanecy has talked so long that here was no opportunity for anyone else to reply, and the committee preferred to rule rather than listen to another argument. It is the rule in this State, as well as in other States in the Union, and there are no cases to the contrary, that you can not impeach a witness upon an immaterial issue. You have heard from Judge Hanecy a long statement of what the first trial and second trial showed, that he intends to try Otis Yarborough. I don't know whether he will be called as a witness or not; whether he was in the room on the 24th of May, 1909, when Browne invited White to his room is not material; whether he invited him from his room or the lobby of the hotel or from the street. It is an immaterial issue. Not whether he was in his room, but the question is whether or not Browne paid him any money or made a corrupt agreement; but you can not try this issue by calling witness after witness, railroad conductors, for the purpose of trying this false issue, whether Otis Yarborough did sleep in his room that night.

Judge HANECY. I propose to show the methods he used here to try to fix a case or charge against one of the members of the honorable body that the members of this committee are sitting in. We have a right to show the methods that are adopted here, and the character of the men and their acts in this very transaction, and that is why I say it is competent. We are not trying to impeach anybody; we are trying to show the methods by which this witness and this associate with him and back of him are trying to malign Senator Lorimer, a member of the body that you gentlemen are honorably represented here as its members. That is why I am offering it, and I submit that it is entirely competent. That this committee and no other committee will shut its eyes to the actual facts that surround the charges and take the simple, plain statement or the false statement of one of the witnesses and not look to the question of who the witness is or what is his purpose or motive in doing what he has done. Because if we show he is false in one thing, the rule of law is that if he is false in one thing he is false in all—*falsus in uno falsus in omnibus*. No man in the United States Senate or other honorable body can be attacked or maligned without reflecting upon every man there in some degree, not necessarily on the individuals, but it attaches to the body of which they are a member, and thereby reflects upon every member of the body.

And I submit we have a right to show the methods and manner by which they are carrying on this proceeding, and they carried it on since they procured the indictment of Browne down to the time when the jury said, under the instructions, said that Browne was not guilty, and I submit that in this case it is entirely competent and entirely proper to introduce it, and it would be highly improper to Senator Lorimer and those representing him not to place those facts before this committee, and through this committee to the larger body.

Senator BURROWS. What do you propose to show by this witness?

Judge HANECY. I want to show the relation between these two men.

Senator BURROWS. Yarborough?

Judge HANECY. One of the Yarboroughs and White—Otis Yarborough was his employee, but did not do any work for him first——

Senator BURROWS. What is it you want to know from him?

Judge HANECY. Mr. Chairman, I want to know if he did not act as his secretary.

Senator BURROWS. That is the question.

Senator PAYNTER. The effect of your statement would be this: That White was acquainted with the Yarboroughs; that if they committed perjury in trying to fasten upon Lee O'Neill Browne, that this man must have known that they were committing perjury, and stating that they were in his room at that time.

Judge HANECY. Yes; and he read the testimony.

Senator PAYNTER. They are still trying to connect, in this proceeding, Lee O'Neill Browne with this other transaction, and show the character of this man in introducing, in addition, testimony of men whom you claim committed perjury.

Judge HANECY. Yes; and not only the character of the witness, but the instruments which were used to besmirch Browne, and through Browne to besmirch Senator Lorimer and the Senate of the United States.

Senator BURROWS. The committee will permit you to show that but will consider the weight of it later. You may answer the question, Mr. White.

A. What is the question?

Judge HANECY. Otis Yarborough went to work in the legislature by your procurement, or was on the pay rolls of the legislature by your procurement, and was taken by you back to your home and acted as your secretary?—A. I had no occasion for a secretary, and consequently had no secretary.

Q. Didn't he work for you?—A. He did things around the office but not as a secretary, because I never needed one.

Q. I don't care about what you needed. He did go along with you——

Mr. AUSTRIAN. Just a minute; let him finish the answer.

Judge HANECY. He worked for you how long?—A. I could not say how long. I don't know myself.

Q. Well, about how long?—A. I have no records of it here.

Q. Well, about how long?—A. Well, possibly a month, and maybe a little longer than that.

Q. Did you get him the job he got with the railway company afterwards?—A. No.

Q. Did you assist in getting it?—A. I had nothing to do with anything except that he gave me a name as a reference in making out his application and filing it, and they wrote to me and wanted to know about him, and I answered the letter.

Q. Mr. White, you testified as a witness at the first trial of the People *v.* Browne in the criminal court of Cook County here, didn't you?—A. Yes, sir.

Q. Were these questions asked you and did you answer as I read? Question——

Senator BURROWS. This was the Browne trial?

Judge HANECY. Yes, Senator.

Senator BURROWS. Go on. It is for the purpose of impeaching the witness?

Judge HANECY. Yes, Mr. Chairman, giving his opinion as to what he wanted to vote for Senator Lorimer. I will read back a little to show the connection.

Mr. AUSTRIAN. Just a minute. I do not pretend to know everything about the rules of evidence; but if you want to impeach a witness you have got to put the question to him: Did you not on such and such a trial, or were you not on such and such a trial asked this question, and did you not make this answer, and it has got to be on the same question that is put on this hearing, and not on some other hearing.

Judge HANECY. That is what I am getting at here.

Mr. AUSTRIAN. You have not put any question as to whether he would or would not have voted——

Judge HANECY. That is not the question. Just listen to the question, Mr. Austrian.

Mr. AUSTRIAN. That is your statement——

Judge HANECY. Just listen, Mr. Austrian, until I read.

(Reading:)

Q. What conversation occurred up there?—A. He asked me, "What are you doubling me about?" and I told him I wanted to know what I was going to get for voting for Mr. Lorimer.

Q. What did you want to know that for?—A. I inferred from his remarks there was to be money in it.

Q. And you wanted to know just exactly what you were going to receive?—A. Yes, sir.

Q. What did you want to know that for?—A. I wanted to know before I voted to have an understanding.

Q. So if there wasn't enough, you would not do it?—A. I did not question the amount at all.

Q. You were willing to vote for any amount, were you?—A. I did not question the amount at all.

Q. Were you willing to vote for William Lorimer for any amount of money?—A. I judge that I might have voted for him for $5 or $10. That was not the question that was raised at that time.

Q. But you wanted to know how much money you were going to get?—A. Yes, sir.

Q. Was your conscience hurting you then?—A. My conscience was not troubling me exactly. I wanted to find out.

Q. And you asked him how much you were going to get?—A. Yes, sir.

Q. What did he say to that?—A. He asked me if I could or could not trust him to him.

Q. What did you say to that?—A. I told him that I would like to know. I told him I could, but I would like to know.

Q. And what did he tell you; what did he say?—A. He said: "You are going to get $1,000; it is going to be ready cash."

Were those questions asked you?

Mr. AUSTRIAN. I object. It is not contradictory to any statements he has made here.

Judge HANECY. I will get back here to the question. Was this question asked you——

Mr. AUSTRIAN. If it is impeachment, it is not contradictory, and unless it is contradictory it is not competent. You can not read questions and answers.

Judge HANECY. Mr. White, was this question asked you:

Was you willing to vote for William Lorimer for any money?

and did you answer as follows:

I think I might have voted for him for $5 or $10. That was not the question that was raised at that time.

Wasn't that question asked you, and did you not make that answer?—A. As I remember that question being asked, I answered it emphasizing the fact that no question as to the amount offered was discussed.

Q. That is not my question.

Senator BURROWS. You can answer that, yes or no.—A. Yes; have the testimony here.

Judge HANECY. In the second trial of People *v.* Browne, in the criminal court of Cook County, was this question asked you; among other things, did you say here—well, there is a long statement here——

Senator BURROWS. Put your question as accurate and brief as you can, Judge.

Judge HANECY. Yes. Mr. Chairman, that is what I am going to do. Did Browne say, "White, can't you vote for a Republican," and did you say, "Yes; I can vote for anything?"—A. Yes; I think that is the testimony.

Senator BURROWS. You can not be heard.—A. Yes, sir; I think that is the testimony.

Judge HANECY. Your testimony at the second trial of Lee O'Neil Browne?—A. Yes, sir.

Senator BURROWS. Does the committee understand that is what you testified to. Mr. White?—A. Yes, sir.

Judge HANECY. You know George Gloss, don't you, Mr. White?—A. Yes, sir.

Q. What is his business?—A. The last time I saw him he was a motorman—the last time I knew of his business he was a motorman on a street car here.

Q. Here in Chicago?—A. Yes, sir; here in Chicago.

Q. A motorman on a street car in Chicago?—A. Yes, sir.

Q. And that is the traction company that runs the north side and the west side cars?—A. Yes, sir.

Q. Did you meet George Gloss, the motorman, the Sunday before Senator Lorimer's election?—A. Well, I don't recall now. It might have been some time before that. I don't remember the exact dates.

Q. Well, did you meet him?—A. I won't fix any date, Mr. Hanecy because I don't remember the dates.

Q. Did you meet him about Sunday, on Sunday before the election of Senator Lorimer to the United States Senate, here in Chicago?—A. I won't fix the date. I don't know whether I did or not.

Senator BURROWS. Your answer is that you don't remember?—A. Yes, sir.

Judge HANECY. Did you meet Mr. Gloss here in Chicago about that time?—A. I can not say that; I do not remember now.

Q. Do you remember meeting Mr. Gloss here and walking down the street with him and discussing the candidacy or the probability of electing or the possibility of electing William Lorimer United States Senator?—A. No, sir; I never discussed that with him.

Q. On the first trial was this question asked you and did you answer as I will read:

> Q. Did you meet him on Sunday before the election of William Lorimer to the United States Senate here in Chicago?—A. Yes, sir.

Senator GAMBLE. Meaning him, Gloss?

Judge HANECY. Yes, sir.

Q. Mr. White, was this question asked you——A. I don't remember. I suppose that was asked me. There were so many questions asked me that I do not now recall them all.

Q. Did you walk with him on State street down to about Van Buren street?—Yes, sir; I started with him from the Briggs House.

Senator BURROWS. Now, Mr. Witness, did you so testify?—A. I do not remember what the questions were along that line.

Judge HANECY. Did you start with him?—A. There were some questions asked me relative to Gloss. I presume that was asked me there in the testimony there.

Q. Did you walk from that place?—A. I have walked from the Briggs House down to State street.

Q. To State and Van Buren?—A. Yes; but I would not be positive as to the date there.

Q. At that time and that walk, when you got down to State and Van Buren streets, did Gloss say to you, in substance, "White, it would seem that you will soon elect a man down there. Who do you think it will be?" And did you say, "I don't know?"—A. Well, I don't think that conversation took place; I don't remember now.

Q. Will you say it did not?—A. As—is that all of the conversation relative to that question?

Q. That is the question and answer.—A. I don't think that conversation took place.

Q. You think it did not?—A. I don't remember now.

Q. Was this question asked you? Did Gloss say to you, "White, it seems that you would soon elect a man down there. Who do you think it will be"? and didn't you say, "I don't know?"—well, that is the same thing. Did you not answer, then, "Yes?"—A. What is that question? What is it you are talking about?

Mr. AUSTRIAN. There are two men putting questions to the witness, and I can't distinguish whether Mr. O'Donnell is putting the questions to the witness or Judge Hanecy.

Judge HANECY. You are listening to me, and not to him. I am doing the talking for the record.

Senator BURROWS. State the question, please.

Judge HANECY (reading). Did Gloss say to you: "White, it seems that you would soon elect a man down there. Who do you think it will be?" And did you say: "I don't know." And did you say: "Yes, sir;" that you did have that conversation?—A. I don't remember exactly the testimony verbatim there. I might have answered it that way. The record will show.

Q. Did you say to Gloss: "What do you think about this man Lorimer?" And did you say——A. What is that?

Q. Did you say to Gloss: "What do you think about this man Lorimer?"—A. This was prior to Lorimer's election, you mean?

Q. Yes, sir.—A. No, sir; I never discussed that matter with him.

Mr. AUSTRIAN. Never discussed it.

The WITNESS. I never discussed that matter with Mr. Gloss prior to his election.

Judge HANECY. Did Gloss say to you, in answer to that question: "I do not know him personally, but the boys told me that he is a great friend of the street-car men, and has done them many favors." And did you say, "So I have heard?"—A. Is that the conversation?

Q. Yes.—A. No, sir.
Q. That didn't take place?—A. No, sir.
Q. Did you meet George Gloss at the Briggs House in July 1909?—A. I do not recall. I might have met him there at that time
Q. Did you ever meet him after Lorimer's election?—A. I think I have; why——
Q. Did you have a conversation with him at the Briggs House after Senator Lorimer was elected?—A. I couldn't be positive about that now. I don't remember. I might have done that.
Q. Did he say to you, in that conversation at the Briggs House "White, I see you voted for Lorimer?" And did you say, "Yes?"—A. That might have taken place.
Senator BURROWS. Did it take place?
The WITNESS. I don't remember, Mr. Chairman. The conversation is not asked me here as it was on the previous trial; I think it is divided up more. I think he is dividing the conversation here.
Judge HANECY. Did Gloss say to you, then: "How did it happen?" And did you say to him: "I am low down on the list, and when they came to my name I was excited as to what to do, and just hollered out 'Lorimer?'"—A. No, sir.
Q. You didn't say that to Gloss?—A. No, sir.
Senator BURROWS. He said he did not.
Judge HANECY. Did he then ask you how your real estate business was; and did you say: "Not very well?"—A. Is that the entire question that was asked me at the other trial?
Q. That is the whole question and the answer.—A. I don't remember now about that, whether he did or not. He might have asked me about that.
Q. Well, will you answer that.
Mr. AUSTRIAN. He says he doesn't remember.
Senator BURROWS. The witness says he does not remember; and then he said it might have occurred, and it might not. Now, he does not remember, and that is the end of it.
Judge HANECY. Did you say to Gloss on that occasion, or did Gloss say to you on that occasion: "What are you going to do?" And did you answer: "I am trying to get a federal job; I am up here to see Lorimer now before he is going away to Europe to-morrow?"—A. No, sir.
Q. You did not say that?—A. No, sir.
Senator BURROWS The committee understands you to say that you did not say it?—A. No, sir; I did not say it.
Judge HANECY. Were you in Chicago the day before Senator Lorimer left for Europe?—A. I don't know when he left for Europe, Mr. Hanecy.
Q. Did you say to Gloss, "I am going to try to get a job as reporter on a ocean vessel at $3,500 a year, or try to get a job as secret-service man?"—A. No, sir.
Q. You did not tell him that?—A. No, sir.
Q. Did you see Gloss here in Chicago and take a round trip on the street car and when you got to Fifth avenue and Lake street, did the conversation take place—did you take a round trip around the loop from Fortieth avenue and back again to Lake street and Washington and on that trip did Gloss say to you, "Charlie, how about your job

nd did you say, "I did not get those jobs I was talking about, but hey offered me a job in the county building at $75 per month, and I urned it down."—A. I had no conversation with Gloss relative to hat.

Senator BURROWS. What is the answer?

Mr. AUSTRIAN. He said he had no conversation.—A. I had no con- ersation with Gloss relative to that.

Senator BURROWS. What is the next question, Judge?

Mr. AUSTRIAN. Speak louder, Mr. White, so the chairman can hear ou.

Judge HANECY. Did Mr. Gloss say to you, then, "Why did you do hat;" and did you answer, "Well, they didn't do the right thing by ıe and I am going to get even with them."—A. No, sir.

Senator BURROWS. What was the answer?—A. No, sir.

Judge HANECY. Mr. Chairman, I think that is all. If I may be ermitted, if I find that there are any questions which I have omitted hen I look over my memoranda, I would like to be permitted to sk them.

Senator BURROWS. That closes the cross-examination.

Judge HANECY. Yes, Mr. Chairman.

Senator BURROWS. It is now nearly 5 o'clock, and the committee will djourn now until 10 o'clock to-morrow morning.

(Whereupon an adjournment was taken until the next day, Wednes- ay, September 28, 1910, at 10 o'clock a. m.)

WEDNESDAY, SEPTEMBER 28, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. the subcommittee met pursuant to adjournment, nd the following proceedings were had:

The following members of the subcommittee being present: Hon. ulius C. Burrows, chairman, Hon. Robert J. Gamble, Hon. W. B. leyburn, Hon. Joseph F. Johnston, Hon. Thomas H. Paynter, Hon. ames B. Frazier, Hon. Morgan G. Bulkeley.

Senator BURROWS. You may proceed, gentlemen.

Mr. AUSTRIAN. I have not the letter that you referred to yesterday, udge. You may read the copy.

Judge HANECY. Very well. There are a few questions, Mr. Chair- ıan and gentlemen, that I omitted to ask yesterday, in my hurry, of ıe witness now on the stand, and if I may be permitted to do so, I ill go on with them now.

Senator BURROWS. You may do so. The Chair desires to state to ounsel present that it has come to our notice that some of the ex- ibits have sometimes been handed by counsel to persons who were ot the official stenographers. We would like to have all of the ex- ibits handed to the official stenographer alone. Some of the exhibits ıve gotten into the hands of other people than the official reporters, ıd the official reporters have had some difficulty in getting them;) that you will have the exhibits placed in the hands of the official porters alone.

Judge HANECY. We have all of ours, Mr. Chairman.

Senator BURROWS. Of course they will be returned promptly.

Charles A. White, a witness heretofore called herein, resumed the stand for further cross-examination by Judge Hanecy, and testified as follows:

Judge HANECY. Mr. White, in your letter of the 4th of September, 1909, to Senator Lorimer you say: "I have not closed a deal with any publishing house, but when my terms are acceptable will dispose of it." What were your terms?—A. I had no terms.

Q. You had no terms at all?—A. No, sir; that letter was merely written to Senator Lorimer for the purpose of receiving a reply.

Q. That is, you wanted to get some letter from Senator Lorimer to you in relation to that subject?—A. Yes.

Senator BURROWS. What is the date of that letter?

Judge HANECY. December 12, 1909. That is the letter in which he said he was to get $75,000.

Senator BURROWS. The date is all I wanted.

Judge HANECY. You said you had not any terms at all?—A. No sir; I stated I wrote that letter to Senator Lorimer in order to receive a reply.

Q. What did you want a reply from Senator Lorimer for in that matter?—A. I wanted him to commit himself some way or other as to his——

Q. For what purpose?—A. For the purpose of using it in this testimony, or in this manuscript, rather.

Q. That is, so that you could use it?—A. Yes, sir.

Q. In connection with your story?—A. Yes, sir.

Q. For publication or any purposes which you could, or any purposes by which you could realize on it, is that right?—A. For the purpose of exposure.

Q. You had that all planned out at that time, did you?—A. I had it all planned out to publish his letter, and use the letter in the manuscript in which he wrote to me in reply to that letter.

Q. You had it planned in advance, before the letter to Senator Lorimer referred to, that you were to get from him, if possible, a reply to your letter to him that you might publish it in connection with your manuscript; to commit him to something that would be of value to you or your story?—A. No; no more value than in some way to try to bring out Senator Lorimer's knowledge of the affairs that existed there. I had no dealings with Senator Lorimer, and I was anxious to know his position in the matter.

Q. Your purpose at the time you wrote that letter to Senator Lorimer was to sell your story?—A. Not to sell it; no.

Q. To give——A. To have it published for exposure.

Q. Well, did you intend to give it away?—A. I intended to have it published, with the understanding that I had with the Tribune and when I am permitted to make a supplemental statement I will explain that contract.

Q. At the time you wrote that letter to Senator Lorimer did you have an understanding with the Chicago Tribune?—A. No, sir.

Q. You have just said you wrote it with a view or with an understanding that you had with the Tribune?—A. No; I didn't state that. I stated I wrote the letter for the purpose of obtaining a reply to be used with the exposure, and the parties that were to expose this matter were to use that letter in connection with it. I haven't the contract that the Tribune has. It does not speak the truth in it

entirety. I have not testified to that at any stage of the trial. I was asked if I signed that contract.

Q. Then that contract does not speak the truth?—A. Not entirely; no, sir. There are some sentences in it that are not absolutely correct.

Q. What are they?—A. Well, it states there that I offered to sell, in the first place.

Q. Well, you read that before you signed it, didn't you?—A. I read it after having quite a discussion over it.

Q. Did you protest at that time that that was not true?—A. Yes, sir.

Q. And what was said to you?—A. Well, I told them that part of the contract where it had in there that I offered to sell was not correct, because I had told them that all I expected was my expenses while this matter was being corroborated or proven true.

Q. To whom did you tell that?—A. I told it to the Tribune people.

Q. Yes; but I want the names of them.—A. Mr. Keely.

Q. The managing editor, Mr. James Keeley?—A. Yes, sir.

Q. What other party?—A. Well, Mr. Keeley was the man I was talking with.

Q. Who else was present at the time you were doing the talking?—A. Mr. Austrian and Mr. Maguire.

Q. Mr. Alfred Austrian, counsel here, representing the Chicago Tribune?—A. Mr. Austrian, over here [pointing].

Q. That is the same man?—A. And Mr. Maguire.

Q. Mr. Maguire is the head of the detective agency here that was employed by the Tribune at that time?—A. Well, he was connected with a detective agency, but I didn't know his exact connections at that time.

Q. He is Mr. Maguire—Thomas Maguire, of the firm of Maguire & White, detective agency—that is the man?—A. So I understand.

Q. And he was at the Chicago Tribune office with Mr. James Keeley, the managing editor, Mr. Alfred Austrian, the attorney for the Chicago Tribune, and you at that time?—A. Yes, sir.

Q. Was there anybody else there?—A. That is all that there was in the room.

Q. Was there anybody else there at any other time when you talked with them about this matter?—A. I don't remember anyone else at this time.

Q. Did you put a price on your value, in dollars and cents, upon your expenses—you say you told them you only wanted your expenses. Did you say how much they would be?—A. Oh, I told them my expenses; it might cost me about $3,500. I didn't know; but I might need counsel, I didn't know; but I wanted some assurance that I would have some one to bear my expenses while this matter was being corroborated or proven true.

Q. What did you think you needed counsel for?

Mr. Austrian. I object. It is immaterial, and it is a side issue in this case as to why he needed counsel.

Judge Hanecy. He said he might need counsel, and that is why he put that price upon it.

Senator Burrows. Let the witness answer the question.

A. I did not know what might arise; I do not know yet.

Judge HANECY. Is that why you are in the custody of an officer?

Mr. AUSTRIAN. I object. It was gone over yesterday as to why he was in the custody of an officer.

Judge HANCEY. I simply asked him yesterday if he was in the custody of an officer, and I tried to find out why he was in the custody of an officer and he said he didn't know; that there was no indictment charged against him.

Mr. AUSTRIAN. He did state that because he was to become a witness in the Wilson case and in the Gloss case. They are pending on the North Side.

Senator BURROWS. Let the witness answer to save time.

A. The question now, please.

Senator BURROWS. Will the reporter read the question?

[Question read.]

A. Well, as I have been told, and as I stated yesterday, that I was to be a witness in the Gloss case, and also in the Wilson case.

Judge HANECY. I didn't ask you that. Is that the reason why you are in the custody of an officer now?—A. Not to my knowledge.

Q. Not to your knowledge?—A. No.

Q. Who fixed the price first that the Tribune was to pay you? Did you fix it, or did Mr. Keeley or Mr. Austrian or Mr. Maguire?—A. I told them about what my expenses would be, what I thought—I did not know what they would be, and I had no way of estimating.

Q. This letter recites a consideration to you of $3,250. You knew that, didn't you?—A. What is that?

Q. The contract, I should say.—A. Do you mean the document I signed?

Q. Yes.—A. Yes, sir.

Q. This is an agreement that the Tribune is to pay you $3,250 for your story, and your corroboration of the story whenever they called on you to do so?—A. Yes, sir; it was mentioned as money to bear my expenses, not part of selling the story at all.

Q. Didn't the Chicago Tribune pay you $250 in addition to that as expenses?—A. Something in that neighborhood; I did not keep an itemized statement, and I would not say positively.

Q. Didn't you testify in the two trials of the case of Pepole *v.* Browne that you were paid $250 as expenses in addition to the $3,250 mentioned in the contract?—A. I stated about $250.

Q. Didn't you specify that?—A. I don't think I did.

Q. Were you paid anything else by the Chicago Tribune than the $3,250 and the $250?—A. No, sir.

Q. Two hundred and fifty dollars was paid to you for expenses, wasn't it?—A. If it was that much, or about that. That was paid to be as expenses; that is——

Q. Has the Tribune been paying your expenses in your different travels throughout the United States in the custody of an officer?—A. The officer has been paying those expenses.

Q. Has the Tribune been paying it to the officer?—A. I don't know anything about that.

Q. You don't?—A. Why, no; I am not in a position to know.

Q. Did you ever use any of the $250 in addition, the sum which you got from the Tribune in addition to the $3,250, for expenses?—A. Do you mean about $250?

Q. Well, did you ever use any of that for your expenses?—A. es, sir.

Q. What?—A. The money that was paid me prior to that time, rior to the time I received the $3,250, was used as expenses in——

Q. (Interrupting.) When did you get the $250?—A. Oh, it was aid to me at different times.

Q. What did you use it for, what expenses?—A. I used it in aveling about the States——

Q. When?—A. And paying incidental expenses.

Q. When?—A. In March, I think it was.

Q. What time in March?—A. March and April.

Q. The first part of March or the last?—A. Why, it was after I ad gone to the Tribune office.

Q. The calendar is what I want.—A. I could not state that. I ated it was after I had gone to the Tribune office.

Q. And when was that?—A. Well, it was some time near the 1st f March. I don't remember the exact date.

Q. It was more than two months before the publication of a part f your story, wasn't it?—A. Now, I would not be positive about at.

Q. Well, it was about two months before?—A. It was something ear two months.

Q. Did anybody else offer you any price for your story, or any part f it, or any excerpts or any extracts from it, excepting the Chicago ribune?—A. No one offered to take it up and publish it.

Q. That is not what I asked you. Did anybody ever offer you ything in dollars and cents, or other thing of value, for your story, any part of it?—A. You have asked that question as "was I fered for the story." The story was not in that. The money as paid to me for expenses, to defray expenses——

Q. Answer the question, please.

Mr. Austrian. Let him finish his answer.

Senator Burrows. Read the question to him, please.

(Question read.)

Judge Hanecy (continuing). Except the Chicago Tribune?—A. o, sir; with the exception—the Chicago Tribune merely offered to ay my expenses, and this money was expense money simply offered r the story, excepting the Chicago Tribune——

Q. Did anybody, excepting the Chicago Tribune, ever offer you y money, or other thing of value, for your story, or any part of ?—A. No; not prior to the offer of the Chicago Tribune, in the way my expenses.

Q. You have not offered your story, or any part of it, to anybody any price except the Chicago Tribune?—A. To the Doubleday-age Publishing Company, but told them I should expect out of it y expenses, whatever they were.

Q. Did you ever tell them they would be $3,500 or some other m?—A. I did not make any specific stipulation at all.

Q. You offered your story—your so-called story—to three different rties that you have named before you offered it to the Chicago ribune; is that right?—A. I talked—I corresponded with three fferent parties.

Q. With a view to having them publish it or take it?—A. Pub-sh it.

Q. Did you ever offer to any others than the three you have here stated?—A. No, sir.

Q. And the Chicago Tribune?—A. No, sir.

Q. Did you ever present it to any others than the three you have mentioned and the Chicago Tribune?—A. No, sir.

Q. And the Chicago Tribune?—A. No, sir.

Q. Did you ever present it to any others—did anybody at any time ever offer you $2.50 a word for that story?—A. No, sir.

Q. Or for any part of it?—A. No, sir.

Q. Then the statement in your letter to Senator Lorimer of December 4, 1909, as follows:

I have been offered a sum sufficient to value the manuscript at $2.50 per word.

That statement in that letter by you was not true, was it?—A. No, sir; it was not true.

Q. Why did you make that statement in that letter that you sent to Senator Lorimer?—A. I wanted him to answer the letter with some reply—to make some reply to the letter.

Q. Did you want him to make some financial reply to it?—A. I did not know in what manner he might answer it. That is the best way I can answer it.

Q. You stated in here that your story contained about 30,000 words. Was that true?—A. I didn't know how many words—I don't know how many words it contains, Mr. Hanecy.

Q. Well, do you know whether the statement that you made in this letter to Senator Lorimer was the truth or not?—A. No, sir; I do not.

Q. You don't know now whether it was the truth?—A. I don't know now how many words it contains. I never counted the words nor made any estimation of them.

Q. Why did you state in your letter to Senator Lorimer that your story contained about 30,000 words and that you had been offered for your manuscript about $2.50 per word?—A. I wanted to receive a reply from him along the whole subject-matter.

Q. You had figured that 30,000 words at $2.50 a word would amount to $75,000, hadn't you?—A. Well, I had—I had figured this way: The amount would be so much. If he would in any way consider any such proposition that he would write some sort of a letter asking me to withhold any publication until he could have further conference, and I intended to use the letter, whatever it was.

Q. If he had made some such proposition to you, referring to the amount in dollars and cents suggested in your letter, then what would have happened?—A. The letter would have been in this manuscript and in evidence the same as the other documents I have here from Mr. Browne, also which I received from Mr. Lorimer.

Q. Did you tell Mr. Keeley, of the Chicago Tribune, or its attorney, Mr. Austrian, or its chief detective, Tom Maguire, that you had written this letter to Senator Lorimer?—A. Yes, sir.

Q. Did you give them a copy of it?—A. I stated the substance of it.

Q. Now, did you state the substance of it as it is?—A. Well, the subject-matter practically.

Senator BURROWS. Now, the witness did not answer that other question. Did you give them a copy of it?—A. I didn't reserve a copy.

Senator BURROWS. That is enough; you didn't give them a copy, hen.

Judge HANECY. This letter to Senator Lorimer covers very nearly hree pages of letter head. Did you recite to Mr. Keeley, or Mr. Aus-rian, or Tom Maguire, the chief detective of the Tribune, the sub-tance of this letter?—A. Yes, sir.

Q. How many times did you talk with these three gentlemen about he sale of your story and your testimony?—A. About the sale of it o whom?

Q. To them or anybody else.—A. We never talked about the sale of the story. The matter we talked of there was about the corrobora-ion of it, and they agreed to pay my expenses.

Q. Who drew this contract that you signed between you and the Chicago Tribune?—A. I don't know, sir.

Q. Do you think that Alfred Austrian did?—A. No, sir; I have ever been informed.

Q. Did the Chicago Tribune have it drawn?—A. I don't know who ad it drawn.

Q. Did you?—A. No, sir.

Q. Did anybody for you?—A. No, sir.

Q. Did anybody by your procurement in any way?—A. No, sir.

Q. By whom was it first presented to you?—A. Presented by Mr. Keeley, of the——

Q. Of the Tribune?—A. Yes, sir.

Q. The first sentence of this contract is, after the address to Charles A. White, "You offer to sell to us for publication a story writ-en by you, which story gives your experience while a member of the ouse of representatives of Illinois during 1909 and 1910, and giving lso certain information as to what transpired by reason of your oting for certain measures, etc., while a member of such house." hat is the very first sentence in the letter, and you read it carefully nd discussed it carefully and its importance and purport with the anaging editor of the Tribune, the Tribune's attorney, and the ribune's chief detective, didn't you?—A. Yes, sir.

Q. After that full discussion with all of those parties you signed hat contract with that language in it?—A. I signed it, but impressed pon them the fact that it did not speak——

Q. That is not what I asked you. You did sign it after all of hat discussion with these three gentlemen and your first protest bout it; yet you signed it, then?—A. I did sign it, yes.

Q. Knowing that it was in there?—A. Yes, sir.

Q. When the story was first presented to you, or presented by you o Mr. Keeley, what did Mr. Keeley say to you?—A. When the story as first presented?

Q. Yes.—A. Why, I don't recall just exactly what the first con-ersation was.

Q. Did he tell you, in substance, that he could not use it or would ot use it?—A. I left it with him there for several days before I had he talk with him.

Q. At any time; if you took it in there and left it and walked out, nd then went back again, that is the time I want; the first con-ersation you had with him after he knew what it was.—A. I could ot quote the first conversation verbatim, but he asked me if there

were any of the members who would corroborate my story, and I told him I had no one's corroboration except my own story.

Q. Do you mean cooperation or corroboration?—A. Corroboration.

Q. Cooperation?—A. No, sir; corroboration.

Q. Corroboration?—A. Yes, sir.

Q. Did you tell him that there were other members who would corroborate your story?—A. I told him I didn't know whether they would or not; that I had given my story, and that is all I knew.

Q. Did you discuss any different members by name or location or senatorial district or county or otherwise who would, or might, corroborate your story?—A. I discussed that in the manuscript.

Q. Did you with Mr. Keeley?—A. That was gone over, and I suppose the manuscript——

Q. Did you tell Mr. Keeley and his attorney and detective that there were any members of the general assembly of Illinois, either by name or by other designation, but you didn't believe they would corroborate your story or any of it?—A. No, sir; I didn't make that statement.

Q. No?—A. No, sir; I did not.

Q. No. At the time that you talked—well, so that during all of the time that you were negotiating with the Chicago Tribune and its attorney and detective about the sale of this story and your testimony?—A. That was true.

Q. Yes? Was it true that you didn't know anybody who would corroborate your story?—A. Yes, sir; it was true.

Q. And you were negotiating with the Chicago Tribune and its attorney and detective for about two months before they published your story—a part of your story?—A. There was no negotiation. I was helping to investigate it, and having my expenses paid.

Q. Were all of the relations with them for about two months——A. As far as I was helping to investigate.

Q. Well, you and the Tribune and its attorney and detective traveled all over the State in different directions—the managing editor of the Tribune, I mean?—A. No, sir; the managing editor never traveled with me any. I don't know where he went in my absence.

Senator Burrows. That is sufficient.

Judge Hanecy. They were investigating—the Tribune, its attorney, and detective were investigating your story for nearly two months, not quite two months, before they published it, weren't they?—A. I understand they were investigating it.

Q. When they wanted you they sent for you and you went to them, didn't you, and gave them such information as they desired?—A. I informed them as they called upon me.

Q. This story as printed, or the story as printed in the Chicago Tribune, is what part of the entire story that you wrote?—A. Well I don't know that that is a verbatim copy of the manuscript. I would not be positive about that.

Q. But it is not the entire story, is it?—A. No, sir; not by any means.

Q. And you never investigated it or compared it or examined it to ascertain whether it was a verbatim copy or a part of the story as you wrote it, or whether it contained extracts, accurate extracts or excerpts from your story, did you?—A. I didn't examine it carefully but it was substantially a part of it.

Q. Now, what proportion, what aliquot part of the whole story as you wrote it was published in the Tribune?—A. Well, they took the charges out of there.

Q. No, what part—a third, a quarter, a half, or what other part?—A. Oh, I should judge it was less than a quarter.

Q. Less than a quarter of the story as you wrote it was published in the Chicago Tribune?—A. Well, the manuscript contained 208 pages, and I don't know how many pages run over these charges; I could not state that.

Judge HANECY. Never mind, you can't appeal to them for information; you need not look to them.

The WITNESS. I haven't made any appeal to them for information. I have made no appeal, Mr. Hanecy, if you will pardon me.

Senator BURROWS. Proceed.

Judge HANECY. About a quarter of what you wrote was published in the Chicago Tribune?—A. It might have been less than that; I presume it was; it might have been one-fifth or one-sixth.

Q. It was about one-fifth or one-sixth?—A. I could not state just exactly; I don't know how many pages they published.

Q. But the Chicago Tribune, its attorney and detective had your story when they extracted from it such parts as they wanted to publish.—A. They had the entire manuscript.

Q. You never knew prior to the publication of the story—part of the story by the Chicago Tribune—of any man a member of the general assembly of Illinois who would corroborate your story or any part of it?—A. I did not know that anyone would corroborate it by confessing, but I knew there were others guilty from what they had told me.

Judge HANECY. Now, Mr. Chairman and gentlemen, I ask that this comment that he knew from what they told him be stricken out.

Mr. AUSTRIAN. I submit that it is perfectly competent.

Judge HANECY. I am not through.

Mr. AUSTRIAN. No; pardon me.

Judge HANECY. That part of his answer was uncalled for by my question, was not responsive to it, and projected into this record something that this honorable committee has excluded after very full deliberation from the record.

Mr. AUSTRIAN. The question is, "Do you know of anyone who would corroborate," and the witness answers, "I didn't know that there was anyone who would confess." He answered that he knew that if they told the truth or confessed that they would corroborate it.

Senator BURROWS. Let the latter part of that answer be stricken out.

Judge HANECY. During the time when you were engaged or conferring with the Chicago Tribune and its attorney and detective about your story, were you sent to the state's attorney of Cook County by the Chicago Tribune, its attorney, or detective?

Senator BURROWS. What is the question; I didn't hear it.

Judge HANECY. Repeat the question.

(Question read by reporter.)

Senator BURROWS. You understand the question?—A. Yes, sir.

Senator BURROWS. Then will you answer it?—A. I was told by the parties——

Judge HANECY. Won't you be kind enough to inform this honorable committee the name of the party or parties?—A. I was told by Mr. Keeley it was a case for the State's attorney, and I had better consult the State's attorney relative to the matter.

Q. When did he first tell you that with reference to the time that you first went to him which would be about the 1st of March?—A. I don't remember exactly.

Q. As near as you can tell; I don't want to pin you down exactly, but we want your best recollection?—A. I don't remember if it was at my first visit—the first or second visit.

Q. The first or second visit?—A. Or may be the third visit.

Q. In the early part of March?—A. I said I didn't remember exactly when.

Q. Now, when did you go or did you go to the State's attorney's office?—A. I don't remember the exact date.

Q. Well, did you go?—A. Yes; that is the question.

Q. When did you go there?—A. I don't remember exactly when.

Q. About when did you go?—A. About some time in March, I should judge.

Q. How long was it after Mr. Keeley told you that you should go there, or suggested that you go?—A. I went over the next day or possibly immediately after I left him.

Q. Did Mr. Keeley make the appointment for you?—A. Not that I know of.

Q. Did any body else make the appointment for you?—A. I was told to go over and see Mr. Wayman as I remember it now.

Q. Who told you that?—A. I was told it was a case for the State's attorney, and I had better go and see Mr. Wayman.

Q. Who told you that?—A. Mr. Keeley.

Q. Anybody else?—A. I think Mr. McGuire told me that afterwards.

Q. How about Mr. Austrian?—A. I didn't discuss that with Mr. Austrian.

Q. Was he present when that discussion took place?—A. I don't think he was.

Q. Did anybody go with you to the State's attorney's office?—A. No, sir.

Q. Did you go alone?—A. Yes, sir.

Q. Did you meet the State's attorney of this county before you went to his office?—A. No, sir.

Q. Did the Tribune people give you back your story when you did go to the State's attorney's office to take it there with you?—A. No, sir.

Q. Did you take it there with you?—A. No, sir.

Q. Did you see the State's attorney, Mr. Wayman, himself?—A. Yes, sir.

Q. When you did go the first time?—A. Yes.

Q. Did he know that you were coming?—A. Well, I presume he did.

Q. He said so, didn't he?—A. Well, I introduced myself to him when I went in. I said, "My name is White;" and he says, "Walk in; I want to see you and have a talk with you." I don't know whether he said "I want to see you." He said, "Walk in and I will see you."

Q. Did you tell him then about your negotiations with the Tribne?—A. I didn't discuss that matter with him.
Q. What did you discuss with him?—A. The matter of corruption the Illinois legislature.
Q. Did you refer to this story that you had contracted to sell to e Tribune?—A. I hadn't contracted to sell the story to the Tribune.
Q. You hadn't made a contract at that time?—A. No contract to ll at all.
Q. How long after you saw the State's attorney, Wayman, of this unty, did you make the contract with the Tribune?—A. I don't member; I think the contract was made along the last of April.
Q. Yes; but I would like you to inform this honorable committee out when it was, with reference to the time you first talked with the ate's attorney. Was it—was it a week, or a month, or two months ter you talked to the State's attorney first?—A. I stated a little hile ago that I saw Mr. Wayman along in March, and that the ribune agreed to buy this story along the last of April.
Q. Then it was nearly two months after you first saw the State's torney at the suggestion of Mr. Keeley before the Tribune published ur story?—A. I presume about a month and a half.
Q. How many interviews or conferences did you have with the ate's attorney of this county before the story was published, or a rt of it, by the Tribune?—A. I don't remember now whether I had e or two; I might have had two, but I don't remember.
Q. Don't you know that you had many?—A. No, sir.
Q. Did the State's attorney of this county send out anybody to instigate any of the things that you told him?
Mr. Austrian. That is objected to. In the first place, he could t have known it.
Judge Hanecy. If he don't know he may say so.
Mr. Austrian. In the second place, it wouldn't be material if he is informed that the State's attorney sent anyone out. If the State's orney did send anyone out you can prove it by the State's attorney.
Senator Burrows. Do you know of your own knowledge that he t out anyone?—A. No, sir; I did not know at that time, but afterrds I understood that he did.
Senator Burrows. At that time did you know?—A. At that time didn't know.
Judge Hanecy. When did you learn from the State's attorney that had sent somebody out to investigate your story?—A. Oh, it was ne time afterwards—after the grand jury proceedings started.
Q. Was it before the printing of a part of your story by the Tribne?—A. I was sent out with an officer to investigate this, but I n't know at that time the exact connections of the officer, but afterrds I was informed that he was sent out as a representative of the ate's attorney's office.
Q. What was the name of that officer?—A. Mr. Turner
Q. Mr. Turner?—A. Yes.
Q. Mr. Turner is the superintendent of the White & McGuire Detive Agency, isn't he?—A. I don't know whether he is superindent or not; he is connected with them, but I understand they were the employ of the State's attorney's office at that time, I have rned since then.

Q. Were they transferred from the Tribune to the State's attorney's office?

Mr. AUSTRIAN. I object.

Senator BURROWS. Mr. Witness, the committee wishes you to answer the questions without elaboration. Now repeat the question.

(Last question read by reporter.)

Senator BURROWS. What is your answer to that?—A. I don't know.

Judge HANECY. The State's attorney had at that time six detectives of his own connected with the State's attorney's office, and those men at different times traveled with you to different parts of this city and different States of the Union, didn't they?

Mr. AUSTRIAN. That is objected to. Supposing the State's attorney had only five.

(Last question read by reporter.)

A. I don't know how many men that he had.

Senator BURROWS. That answers that part; now what about the rest?

The WITNESS. Different men did travel with me at different times at different places in the city and out of the city.

Judge HANECY. How many different men traveled with you at different times?

Mr. AUSTRIAN. I submit that we went over that yesterday; he asked him and he said he went to Wisconsin, to Indiana, and he asked him if he stopped at the best hotels, which was objected to and you sustained the objection, but I don't care if the committee don't.

Judge HANECY. How many men traveled with you from the State's attorney's office with you at different times?

Senator BURROWS. How many different men?

Judge HANECY. How many different men?—A. I don't know.

Q. About?—A. Permit me to explain myself by saying this: I don't know whether Mr. Turner was directly connected with it or not; I am informed that he was; he went with me in the southern part of the State.

Q. How many other men traveled with you after you were put in the custody of an officer?—A. In the city?

Q. Yes; in the city and out of the city?—A. Let's see, there was, I think there was but five or six of them; I am not positive.

Q. There were six, not including Turner, weren't there?—A. I don't remember now; there might have been five or six besides Turner.

Q. Turner was not connected with the State's attorney's office regularly, one of the regular employees?—A. I don't know that; I am not in position to state that.

Q. Turner traveled with you to different places in southern Illinois under the name of Tierney, didn't he?—A. He introduced himself first as Tierney.

Q. He introduced himself in different parts of the State as Tierney?—A. I don't know about different parts of the State.

Q. Well, when he was with you?—A. He did to different people as Tierney.

Q. When he was with you at different parts of the State he told different people that you would talk with that his name was Tierney, didn't he?—A. He said yes, that his name was Tierney.

Judge HANECY. My purpose in that, if the committee pleases, I vant to designate Turner and Tierney as being the same man.

Q. The last clause of this contract, of the main contract between ou and the Tribune, is as follows:

You reserve to yourself all book or other rights to the story other than the xclusive newspaper rights hereinbefore referred to, which belong under the erms hereof to the Tribune Company.

What did you reserve? What did you have in mind as reserving to ou under that clause?—A. The publication of the article in book orm or magazine form.

Q. For sale?—A. Well, for publication; I don't know whether it vas for sale, but pamphlet form.

Q. Were you to publish it or have somebody else do it?—A. I would ave to have somebody else publish it.

Q. You are not a man of means, are you?—A. No, sir.

Q. And you have no property or other assets except that what men n your walk of life, a conductor or motorman, would have?—A. No, ir; I am not possessed with means.

Q. You are not a married man?—A. No, sir.

Q. And never have been?—A. No, sir.

Q. You haven't any real or personal property, except the personal roperty about your person and your clothing, and so forth?—A. 'hat is about the extent of my personal property.

Q. Now, did you have it in mind that you were going to publish a ook or have it put in the form of a book and have it copyrighted and old?—A. I might have had it put in a book.

Q. Did you have that in contemplation? That is what I mean.—A. Vell, I would not state whether I did or not. I don't know what I ad in mind. My——

Q. Did you contemplate—did you want to say something else?—A. sk your question.

Q. Did you contemplate having it dramatized?—A. No, sir; I had ot figured on that at that time.

Q. Your purpose, the purpose you had in view in having it printed n book or pamphlet form, was for the purpose of selling it or ealizing money for it in some way, wasn't it?—A. Well, I expected to et enough to pay my expenses, if I could put it in that form.

Q. Yes; but if you put it in some other form you would get some- ning more than expenses?—A. In what other form have you refer- nce to?

Q. In your answer to my question you said you expected to get your xpenses if you put it in that form; if you didn't put it in that form hat did you expect to get?—A. Well, if I wanted it in any other orm, if I wanted it in pamphlet form, if somebody wanted to handle in pamphlet form under a copyright, that would be a different atter.

Q. You intended to have it copyrighted, didn't you?—A. I had leas of my own of having it copyrighted.

Q. Your purpose, then, was to prevent anyone else from publishing without your permission and paying you for it?—A. Well, I on't know. I didn't say without my permission and without paying e for it, but for the purpose of keeping them from exaggerating or etracting from the story.

Q. You think there was somebody that might exaggerate it more than you did. Is that possible?—A. They might exaggerate it. I think there has been considerable exaggeration in some respects by parties on the other side.

Q. I read the fourth clause: "For the sole and exclusive right hereby granted by you to the Tribune Company to publish this story or a revision thereof or excerpts therefrom, in the Chicago Tribune and copyright either in your name or in that of the Tribune Company, but in which shall be at our election"—that is, the Tribune—"and also in full compensation for the time already spent by you in assisting us in obtaining corroborative evidence of the facts contained in this story"—now this is what I want to call your attention to—"and in full compensation for all your time which shall be devoted by you to further substantiate this story at any time, which time you hereby agree to devote to that purpose as and when called upon so to do." Now, you knew that if you did not substantiate this story or if you did not get some corroboration in some way, your copyright or your ability to sell or dispose of it would not be worth much didn't you?—A. That had not been taken into consideration.

Q. You had not considered that at all, had you?—A. No, sir.

Q. Why was this language in here, then, that you were to devote your time to further—you were to devote all of your time necessary to further substantiate this story at any time? Why was that language put in the contract?—A. Well, the inference I drew from it was that I might be sent here or there or some place else in the State to help collect evidence; I didn't know. I didn't draw that contract Mr. Hanecy.

Q. In collecting evidence for what?—A. For corroboration of the story.

Q. Evidence for what; did you and the Tribune and its detective and its attorney intend to have some proceedings in some court commenced?—A. I had no agreement or understanding to that effect.

Q. You knew that they had, didn't you?—A. I didn't know anything of the sort.

Q. You knew that when they sent you to the State's attorney there was something contemplated by them with a view of having it taken into some court?—A. I didn't know what they intended to do in that respect.

Q. You knew that they did contemplate taking it into court?

Mr. AUSTRIAN. The witness has answered that he didn't know anything about it.

Judge HANECY. Didn't you know that?—A. I didn't know what they intended to do.

Q. What did you think this language meant, then, that required you to further substantiate this story?—A. Well, I didn't know what it meant; I didn't draw the contract.

Q. You read it, didn't you?—A. I read the contract.

Q. And read it a number of times, didn't you?—A. I read it over several times; yes.

Q. And you discussed some parts of it and objected to them?—A. Yes, sir.

Q. And you knew that these provisions required you to give as much of your time as the Tribune Company required you to give to substantiate this story whenever they called upon you so to do

lidn't you?—A. Well, it was understood that way, but I didn't unlerstand it was court proceedings.

Q. You knew that this contract provided for that, didn't you?—A. I knew that it called for any time that they might call upon me o help have the story corroborated, but not in court. I didn't nderstand about court proceedings; there was not any understandng about court proceedings.

Q. You knew that it required you to give your time to substantiate he story, didn't you?—A. Yes; that is what it said.

Q. Then who added this part to the part of the contract which is bove the signature of J. Keeley, vice-president of the Tribune Comany:

'o The Chicago Tribune and the Tribune Company.

GENTLEMEN: I have read the above and foregoing and agree to the terms hereof, and to accept the sums of money as therein set forth, and I further gree to devote my time and services to substantiate the story referred to as, nd when requested by you so to do, in such manner as you may direct.

Q. Did you have that put in?—A. No, sir; I didn't embody that.

Q. Then that is signed Charles A. White?—A. Yes, sir.

Q. Who added that part to the contract?—A. I don't know anyning about that.

Q. Sir?—A. I don't know who did that.

Q. Did you discuss that part of it with the Tribune, its detective nd attorney, before you signed it——A. Well, I might have aid——

Q. At any time?—A. I don't remember just exactly what was said n that respect.

Q. Do you remember the substance of what was said in relation to nat?—A. Something was said there about me having to run around ver the State and pay out additional expense, etc.

Q. Mr. White, you knew, didn't you, that the book that you reerved all rights in relation to in that story, would sell better if you ould convict Lee O'Neill Browne or remove Senator Lorimer from is place in the United States Senate, didn't you?

Mr. AUSTRIAN. I object whether he knew the book would sell betr or not.

Judge HANECY. He reserved all his rights, he did not sell that art to the Tribune.

Q. You knew, didn't you, Mr. White, that that book would sell etter—more of them would sell at better prices, and you would get nore money if Lee O'Neill Browne was convicted, or if Senator orimer was removed from office, didn't you?—A. Well, I had nothng to do with Lee O'Neill Browne's conviction except as a witness.

Mr. AUSTRIAN. He can only answer in his own way.

Judge HANECY. He has not answered in relation to that at all.

Q. What was your answer?—A. I started to say that I didn't now anything about the conviction of Mr. Browne or this trial of enator Lorimer, or anything else prior to the signing of that conact; I knew nothing of those things.

Q. What did you think you went to the State's attorney's office for, if it were not in the Browne case?—A. I went over there because they old me it was—it was a case for the State's attorney, they thought it as a case for the State's attorney, and I did not know but he might end for me, so I went over.

Q. You say "they" told you that; who told you that?—A. Mr. Keeley.

Q. Their attorney? And the detective, did they all tell you that?—A. I think Mr. Maguire might have said something about it, I am not positive.

Judge HANECY. Mr. Chairman and gentlemen, we asked Mr. Austrian for Senator Lorimer's reply to this letter of December 4, but he has not been able to find it. Can you find a copy of it in the record? I would like permission to put that in the record when you find it.

Mr. AUSTRIAN. I have a copy of it here.

Judge HANECY. Will you let me take the copy. This letter states that his story was worth so much. The date of the letter was December 4, 1909.

Mr. AUSTRIAN. Be careful, Judge, in reading that.

Judge HANECY. I understand that anything that comes from the other side is dangerous.

Senator BURROWS. What is the date of the letter?

Judge HANECY. The letter from Mr. White to Senator Lorimer is December 4, 1909, and this letter is December 13, 1909, on the letter head of William Lorimer, chairman. [Reading:]

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

MY DEAR SIR: I am in receipt of your letter of December 4 in which you advise me that you have manuscript ready to place with publishers treating of your experience as a member of the Illinois legislature.

I would be very glad indeed to know of your success as an author.

With kindest personal regards, I am,

Very truly yours, WILLIAM LORIMER.

Judge HANECY. That is all, Mr. Chairman.

Redirect examination of Charels A. White by Mr. AUSTRIAN

Q. Mr. White, how old are you?—A. I am 29.

Q. How old were you when a labor lobbyist at Springfield, Ill.?—A. That was in 1907; that would make me about——

Senator PAYNTER. If I understood you, Mr. White, correctly, that you hoped to get a letter from Senator Lorimer that you could use in connection with this publication?—A. Yes, sir.

Q. Well, by that, I suppose that you expected a letter from Senator Lorimer that might aid to support your charges. Is that the hope you had in the matter?—A. Yes, sir; I had no evidence against Senator Lorimer directly, and had no dealings with him.

Q. The letter recites in substance, I do not remember the exact language, that you had been made an offer or some inducement had been held out that indicated that the manuscript was worth $2.25 a word—or $2.50 a word. I mean. That is the language of it, "I have been offered a sum sufficient to value the manuscript at about $2.50 per word." Suppose, that Senator Lorimer had placed the same value upon the manuscript that you did, and had offered you $75,000 would you have taken it?—A. I would have let him have the manuscript.

Q. For $75,000. Would you have accepted $75,000 if he had offered it to you?—A. I don't think I would; if I had I might have turned it over to somebody else.

Q. You would have turned the money over to some one else?—A. I might have done that.

Mr. AUSTRIAN. Prior to your going to the legislature, and prior to engaging in the practices that you have here testified to, were you

ever charged with engaging in any corrupt transactions of any kind whatsoever?—A. No, sir.

Q. Judge Hanecy, in his examination of you, embodied in the question detailing the conversation which he says you are alleged to have had with one Catherine Woods the statement that you killed two men, a white man and a black man. Did you ever kill anyone?—A. No, sir.

Q. Were you ever arrested on a charge of murder or any other charge?—A. No, sir; never arrested in my life.

Q. Were you ever charged with any other offense?—A. No, sir.

Q. Mr. White, prior to your dealings with the Chicago Tribune, which you stated you entered into, beginning in about the early part of March, 1910, had you completed this story?—A. Prior to the time the Tribune agreed to publish it, do you mean?

Q. No; prior to the time of your opening up negotiations with them, had you completed the story?—A. Yes, sir.

Q. How long prior to the time you had these negotiations had you completed the story?—A. I added some to the story after the special session. It might have been—the story went to New York some time in February.

Senator BURROWS. February, 1910?—A. Yes, sir.

Q. Prior to that, when had you completed the story with reference to the Lorimer election?—A. The story with reference to the Lorimer election was completed in September, I think—the other part of it.

Q. In September, 1909?—A. 1909.

Q. Mr. White, has the story as written by you been changed in any particular whatsoever?—A. At what time do you mean?

Q. At any time, any statements, declarations, or testimony given by you in court, has it varied from the written manuscript in any way, so far as you know?—A. No, sir.

Q. After the writing of the letter of December 4, 1909, to Senator Lorimer, and the receipt of his reply offered in evidence here on December 13, 1909, or thereabouts, did you embody the substance of your letter to him and his reply to you in your confession?—A. Yes, sir.

Q. Mr. White, and has it been there over since?—A. Yes, sir.

Q. Mr. White, you were asked what proportion of your confession was published in the Tribune, and you stated that there might have been one-fifth or one-sixth or one-quarter, that you did't know, as I understand your testimony. If the confession is exhibited to you now, can you fully explain to the committee as to the portion of the story that was printed in the Tribune?—A. Yes, sir.

Q. Will you do so?—A. Yes, sir; I can state about how much of more accurately.

Q. That is what I want to know (handing witness a book). Give as best you can; I do not want you to take the time to read it.—A. think it was divided into parts.

Q. Did they not print substantially their part, as you now recall , with reference to the so-called "jack pot" and with reference to the so-called "Lorimer election?"—A. Particularly specific statements.

Q. A large part of your confession was devoted to personal comments and opinions, was it not?—A. Yes, sir.

Q. These they didn't print, did they?—A. No, sir; I made copies also.

Q. Those they didn't print?—A. No, sir.

Q. They printed the other?—A. They did not go into the details——

Q. (Interrupting.) When you went to the Chicago Tribune in March, 1910, did they not state to you, sir, then and there, that until the story was verified through channels which they might select that they would not print the story. Did they not make that reply, in substance?

Judge HANECY. This witness, Mr. Austrian, should be allowed to state the conversation.

Mr. AUSTRIAN. I am directing him.

Judge HANECY. You are suggesting the substance of what he is to answer, leaving him the opportunity to say yes or no to it. It is not proper to put a witness upon the stand and suggest to him the form of his answer or the substance of it.

Senator GAMBLE. That does not hardly apply. Is not this witness summoned here by this committee?

Judge HANECY. If the witness desires to have Mr. Austrian testify put it in his words.

Senator GAMBLE. The objection might be that it was not legal.

Judge HANECY. What was said with reference to the publication of the story or anything with reference to the necessity of the ratification before it was published, or anything on that line?—A. A I remember now they wanted time to investigate it and have corroboration of the story.

Q. Yes, sir; and did you assist in any way in that corroboration?—A. Yes, sir.

Q. If so, state what you did.—A. I went with an officer or detective to some of the members in southern Illinois, Representative Beckemeyer, Representative Clark, Representative Sheppard, and Representative Link, and talked with those men, or was with the officer—with the detective—at the time he talked with these men in my presence, and I also talked with them in his presence.

Q. Did you go and get documents, or examine documents, with the officer at different times, checks, hotel registers, and the like Yes or no; I don't know whether you did or not.—A. We examined those things later on; yes, sir. I did not go to hotels and examine the register there.

Q. Did you remain in the city of Chicago between the first visit to Mr. Keeley to the last visit, with reference to the taking up of this story, any length of time?—A. Well, I don't remember now Between the first visit and the last visit——

Q. Prior to the publication of this story were you not in Chicago most of the time?—A. I stayed here a good deal of the time.

Q. This $250 you have referred to, was that paid you by the Tribune before you entered into this agreement or subsequent thereto?—A. It was prior.

Q. Was it paid to you in one amount or a number of times in

Q. Was it paid to you in one amount or a number of times in installments?—A. In small payments, different amounts.

Q. What was it paid to you for?—A. Expenses.

Q. That was to be paid to you whether the story was accepted or not?—A. Yes, sir; they were to pay my expenses.

Q. Counsel has read in evidence here a letter from you to Lee O'Neill Browne on or about the 16th of September—the date has escaped my mind—in which you asked Browne to loan you some money.

Judge HANECY. The 8th of September.

Q. You wrote such a letter, did you?—A. Yes, sir.

Q. As was exhibited to you here?—A. Yes, sir.

Q. Counsel then asked you whether or not you had received $1,000 of the so-called "Lorimer" money and $900 of the so-called "jack-pot" money, and you testified, I believe, that you had.—A. Yes, sir.

Q. I will ask you now what had become of the $1,900 which you had received from Lee O'Neill Browne of the Lorimer and jack-pot money on the 8th day of September, when you undertook to borrow from Lee O'Neill Browne?

Judge HANECY. I object to that. That is the very question that was presented to this committee yesterday, and it was argued very fully, and the objection was sustained on the ground that he could not corroborate himself by showing by Miss Van de Veen or somebody else that at a certain time he had certain money and paid certain bills of his and did certain other things. It is done simply to corroborate his testimony by building up and projecting into this proceeding acts and circumstances created by himself. He might go around and tell different people that.

Mr. AUSTRIAN. You said that was premature; that it might not be disputed. You remember the question? You will remember the question, Judge Hanecy, to this witness. You received $1,000 on the 15th day of June and $900 on the 16th day of July; that is, $1,900, and still on the 8th day of September, less than two months after the receipt of this $1,900, you were trying to borrow $50 from Lee O'Neill Browne. What was the purpose of that? It is for the purpose of making his story appear improbable, that if he had received $1,900 in June and July what would necessitate the borrowing of $50 or $25 from Lee O'Neill Browne on the 8th day of September? Haven't I a right to show what became of the money? The law is absolutely clear that where it is contended that a story is of recent fabrication that any statement or acts by the witness when the motive was not there—the impelling force was not there—is perfectly competent evidence.

Judge HANECY. I am willing to go into these authorities more fully than I did, because I have a great line of authorities.

Senator BURROWS. What is the question? Read it, please.

(Last question read by the stenographer.)

Senator BURROWS. The witness can answer that question.

A. I paid off a number of bills immediately after I went to East St. Louis from Chicago, on the 18th, 19th, and about the 21st of June. I also spent a great deal of money on a visit to the South; that is, of the Lorimer money principally that I got in Chicago; and I spent a good deal of the money in company with Browne on the vacations we had here on the lake and different places in Chicago, and I spent a great deal of money in company with my friends. I can almost account for the different payments in that respect.

Senator BURROWS. Did you say on the 18th, 19th, and 20th?

A. The 21st, I think, was Sunday following the 20th. There were some bills paid off then and some debts.

Q. Mr. White, referring to the letter introduced in evidence of September 9, 1909, in reply to your request for $50 from Browne, Browne says, "I am pretty hard up myself after the fierce vacations we all had, but have managed to scratch out the fifty for you." What vacations did he refer to?

Judge HANECY. I object.

Q. What vacations or trips did you make with Browne after the adjournment of the house in June, 1909, and the writing of this letter on September 9, 1909?

Judge HANECY. I submit, if these collateral matters are to be gone into—would it not be competent, I submit, to have this man state facts and circumstances not created by somebody else, not what somebody else told him tending to corroborate or substantiate his testimony as to the important question. The authorities, I submit are uniform, and I read a number of them to this honorable committee yesterday, but only a very small number, that that testimony is in no way competent. The witness can not corroborate himself by facts and circumstances that he did not create. It is not competent and never has been held competent by any court that a witness can create facts and circumstances and invoke them to substantiate his main testimony.

Senator HEYBURN. Upon the subject you have just presented, what is the objection to offering the testimony as to his attempt to borrow money?

Judge HANECY. It was the entire correspondence. Mr. Austrian as this honorable committee will remember, introduced a part of the correspondence between the witness White and Browne, and that is all they introduced; I think three or four letters, and then stopped. They did not introduce the entire correspondence. I think three or four letters and then stopped. They did not introduce the entire correspondence, so that this honorable committee would have every thing in the way of correspondence created by these parties, prior to the arising of any controversy or difference between them. And that eliminated all of the letters before the 9th of June. The first letter they introduced and the second was the 13th. They did not introduce the one of the 24th, and they did not introduce any after that. Now, I introduced this letter of July 9 and the reply, and went through the others to the end. I introduced every letter and every telegram, and every piece of writing or particle of evidence created by either of the parties in connection with the other. That was the purpose of putting that in, Senator Heyburn. The mere fact that a fact is created, that this witness has created himself, at different times, the fact that those facts that warrant a certain inference or a certain inference to be drawn from them, and every fact and every circumstance created by a party may have an inference drawn from it, but the fact that an inference may be drawn from them, does not break down, avoid or set aside the rule of evidence that he can not build up his original testimony by facts and circumstances created by himself. If he may, then he may go out and tell a hundred or a thousand men his story in all its details, with all of his strength and force, and then bring in all those different parties.

Senator HEYBURN. I think the committee recognizes that principle; but my suggestion was simply to draw your attention to the purpose for which you introduced the letter from the witness asking

f Mr. Browne a loan of money, presumably for the purpose of showng that he could not have had the money, otherwise he would not be orrowing it.

Judge HANECY. I will say, Senator Heyburn, that that would be a air inference from the facts that he created. They were facts reated by him at a time when there was no controversy between the witness and Browne and no controversy between the witness and enator Lorimer, and no facts, circumstances, or conditions that ight induce the witness to falsify or tell what was not true, and not hen conditions had arisen by which these things were made important for him to falsify, but conditions as they existed at that time. He can not be allowed to go back and bring in here facts, circumances, and conditions that he created himself that might corroboate, sustain, or substantiate his testimony. The rule of evidence is niform upon that. If it were not so, why any witness could go out nd deliberately create facts and circumstances and then bring them n, or refer to them or bring in the parties who saw certain things. Illustrations were given by the different courts of last resort in the ifferent States in a few of the cases I have here, and I will say to his honorable committee that I have many more along the same line.

Senator HEYBURN. The committee has no doubt in regard to that uestion that a man can not build up his case by self-serving testiony. My question did not go into that at all.

Judge HANECY. I understand, Senator Heyburn, that the purpose f the question was to inquire whether I had in mind the inference hat everybody knowing the facts must have had. He swears he had 1,900 in his possession that he obtained between the 15th of June nd the 17th of July, and in less than two months after that he was orrowing money from Lee O'Neill Browne.

Senator FRAZIER. For what purpose did you introduce that letter om Mr. White to Mr. Browne asking for a loan of $50? Was it ot for the purpose of discrediting the witness that he could not have id just prior to that $1,900?

Judge HANECY. That was one of the things.

Senator FRAZIER. If that was the purpose, why is it not competent or the witness to explain why he did not have the $1,900?

Judge HANECY. That is not the purpose. He is trying now to uild up his testimony, to support, corroborate, and substantiate mself.

Senator FRAZIER. He didn't build up anything; you introduced the tter yourself.

Judge HANECY. He created it.

Senator FRAZIER. That was before any controversy arose, and you troduced it for the purpose of showing that he could not have been rrect in his statement, or at least, that it was not reasonable to be ferred that he was correct in his statement that he had $1,900 only month or two before, because at this particular time in September e was asking to borrow $50. It was testimony you introduced. ow, having introduced that testimony, why is it not competent for m to state why he did not have the $1,900 and what he did with it?

Judge HANECY. Because the testimony I introduced was evidence—ncontradicted evidence—that this witness created himself at that me. It is not open to controversy. It is not controverted and n not be a controverted fact that the testimony I introduced there

was created by this witness. If it were the testimony of some other witness, and he denied it, or if some other witness stated that he asked Browne for $50, at a certain time and place, and Browne loaned it to him, or did not loan it to him, and he denied it, then there might be some plausibility at least in the argument that he would have a right to controvert that question. But here the evidence that was introduced is not controverted. He admits here under oath that it was his handwriting; that he did it for a purpose. Now, what he wants to do or what his counsel wants to do for him, is to create conditions or facts and circumstances to overcome the created fact and circumstances, when there is a controversy between him and somebody else to overcome the effect of the uncontroverted testimony that he created at the time of the transaction. This same testimony was offered on the trial of the People against Lee O'Neill Browne, and this witness was asked that, and he brought up his stenographer here. They introduced, or attempted to introduce, on the trial of the People——

Senator BURROWS. Will you excuse me? I do not think the committee will be aided any by rehearsing what the court did in some other trial.

Judge HANECY. I do not think that is true. Established authorities should be recognized so far as they are respectable authorities. This was a proceeding between these same parties, and this same evidence was offered, and my purpose was not to show what the ruling of the court was there, especially, but for the purpose of showing what this witness attempted to show or what these parties attempted to show to sustain himself. He brought in a Miss Vande Veen, a lady friend of his down there to testify that she saw him with certain money, and that she saw him pay certain debts. And that is the very thing you discussed yesterday, and before we go through citing authorities to this honorable committee. Now, it is true that facts and circumstances not created by the witness himself may be given in evidence for the purpose of corroborating or substantiating the testimony of the witness, but that is always a judicial question, and judicial authorities must determine if the facts and circumstances are such that they sustain the principal collateral facts stated by the witness on the main question itself. They are not competent when the facts and circumstances are created or controlled by the witness who is attempting to give his testimony upon them. If there is any doubt about it, I will refer to these cases where the courts of last resort have passed upon the question and have held that the testimony is not competent. If a man may commit a offense—if a man may commit perjury—if a man may lie—then go on and tell a plausible story when he is charged with the falsehood and perjury, and may make explanations created by himself, why you could never get at the real truth of the facts and the condition because the man would be a dummy if he could not create or have created for him, a theory and a plausible excuse that would overcome a plain statement made by him in his original letters, and that is this condition.

May I add in further answer to Senator Frazier that the purpose was in introducing this correspondence, that letter and that note was to give to this honorable committee all of the correspondence between the two parties, Browne and White. The other side on

ave two; I gave all. I wanted all of them produced, not for the urpose of discrediting him upon that question alone, but for the urpose of showing the relationship between Browne and White. rowne was the Democratic leader of the House of Representatives, nd White was a Democratic member of the House. There was a ntroversy between the Democrats as to the leadership, and after rowne had been elected leader, then some of the minority of the emocratic party still adhered to Tippit, another leader, and refused follow the leadership of Browne in some matters. This witness id not, he was an adherent of leader Browne on the Democratic de, and their relationship had always been friendly. The Demo-atic national committeeman was there. One of the factions in the gislature on the Democratic side was an adherent of the national mmitteeman and the other was not, and they had trouble there. o show the relationship of this witness with Browne and Browne's lationship with this witness, we can show that this witness had ked favors time after time from Browne, and had borrowed not ly this time, but before and afterwards from Browne and that rowne had loaned him money and they were all introduced here evidence, and we can show this witness with all the friendly lations that existed between them and the favors done by Browne r him, that this man betrayed him. Why, what was the motive? here must have been some, and it must be the $75,000, or some other nsiderable consideration, or a man would not ordinarily do the ings that this witness testifies he did do. That is not open to ntroversy. This witness asked Browne to get him a position. He stifies to that here. To get him a job as a conductor with the trac-on company in East St. Louis, but Browne did not succeed in doing at; then he asked him to get him a job, and Browne tried, and did t him a job, and then he refused to take it. That is why this tter was introduced and why this note and other instruments were troduced, showing the relationship between the parties by the acts the parties that were created by them at times and the different ansactions before any controversy arose between them. But after at it became necessary for one of the parties to explain away the cts that were created at the time. Now, that is why we introduce it, id I submit that he can not now go on and build up the facts and rcumstances, if I may be permitted to refer to a few of these ses, if this honorable committee desires it; and I think it will settle e question beyond any doubt.

Mr. AUSTRIAN. Why not let counsel submit to the committee the se that he says is the strongest in his favor, and let me submit to e committee the case I say is the strongest on my side of the ques-on, and the committee can then determine. Each select our most vorable case, and the committee can then determine where the pre-nderance of authorities are. There isn't a shadow of doubt about I am not trying to introduce any evidence that was created after e controversy arose. I am simply asking this man to account for e money that Judge Hanecy asked him about, that is all. The cts are there. The facts occurred long prior to this controversy—ng prior to the arising of any motive that would tend to make e witness change his testimony; that is all I am trying to do.

Senator BURROWS. What authorities do you allude to?

Judge HANECY. I have a long line of them.

Senator BURROWS. The chair will make this suggestion, that you proceed with this witness on some other point, and the committee will consider this question after the recess.

Mr. AUSTRIAN. May I hand the committee one or two volumes?

Senator BURROWS. Yes, we would be very glad to have you. You can examine the witness upon some other point.

Q. At the suggestion of the chairman, leaving that subject for the time being, Mr. White, there was offered to you to identify yesterday, a letter, or a printed copy or a purported printed copy of a letter written by you to the Belleville Democrat on May 29 1909. Do you recall that?—A. Yes, sir.

Q. That was a letter in which you gave to the editor of the newspaper, the Belleville Democrat, your reasons for voting for Senator Lorimer?—A. Well, it was not my reasons entirely.

Q. I mean, that the letter purported to give your reasons for voting for Senator Lorimer?—A. Yes, sir.

Q. That is the letter I refer to?—A. Yes, sir.

Q. Will you state to the committee how that letter was written by whom and what part you took in it?—A. The letter was written by—it was a typewritten letter—Mr. Browne; it was practically his own dictation. The letter was a typewritten letter, as stated, and was practically Browne's dictation. He was consulted about the letter, and the letter came up as a result of what Editor Kern had in his paper said about the men who voted for Senator Lorimer, and the reading of that article suggested this letter.

Q. Browne did?—A. Yes, sir.

Q. And thereupon was the letter written?—A. Yes, sir.

Q. Did Browne have anything to do with writing the letter?—A. Yes, sir; he made a number of changes in it.

Q. What was your motive or reasons for sending that letter?

Judge HANECY. I submit, Mr. Chairman and gentlemen——

Mr. AUSTRIAN. I will withdraw it.

Q. Mr. White, Catherine Woods has been mentioned to you as one of the persons to whom you stated that you were going to make Browne "come across," and Senator Lorimer "come across" and travel around the world from Mexico to Asia and back. Do you know Catherine Woods?—A. I knew her to go in and buy cigars. I have been out with her three or four times, possibly five times.

Q. Was that the entire extent of your acquantance with her?—A. Substantially so.

Q. William Sturmer was mentioned to you on cross-examination that you had unfolded a conspiracy to obtain money from Lee O'Neill Browne and Senator Lorimer and make them "come across," etc. How well had you known Mr. Sturmer?—A. I only met him that summer there.

Q. Did Mr. Browne introduce you to him?—A. Yes, sir.

Q. He was a friend of Browne's?—A. Yes, sir.

Q. That was the entire extent of your acquaintance with him?—A. Yes, sir; when I met him with Browne.

Q. Fred Zentner was represented to be a gentleman to whom you unfolded a deal to hold some one up and make them come across and then take a trip to Europe?—A. Yes, sir.

Q. Had you ever seen him?—A. I never saw him until that August
) there. I met him there, and Brown was there; he was a friend of
rowne's.
Q. That was the extent of your acquaintance with him?—A. Yes,
r.
Q. That was the extent of your acquaintance with him in August
hen Browne was there?—A. Yes, sir.
Q. Just when Browne was making these trips with you, was it
)t?—A. Yes, sir.
Q. Was Sturmer and Zentner with you on these trips?—A. Zent-
r accompanied us on one or two trips.
Q. Accompanied you as the friend of Browne's, didn't he?—A.
es, sir.
Q. He is the man whom you are supposed to have unfolded this
al to? Is he the same man?—A. That is the man that has been
entioned.
Q. William Rossell, the man referred to as connected with the
bor movement, what acquaintance did you have with him?—A. I
et William Rossell in 1907.
Q. At Springfield?—A. Yes, sir.
Q. Was that acquaintance intimate or otherwise?—A. Well, yes;
associated a good deal, and I loaned him some money.
Q. And he loaned you some?—A. No, sir; he never loaned me any.
e never paid it back.
Q. Will you detail to the committee the entire conversation that
u had with William Rossell at the Palmer House, in the city of
icago, which conversation was referred to in part by Judge
anecy—an alleged conversation—referred to in part by Judge
anecy?—A. Yes, sir; when I saw Mr. Rossell I asked him if he
ew from what source the money came——
Mr. Austrian. This is the same conversation referred to by Judge
anecy in his questions yesterday?—A. Yes, sir; I asked Mr. Rossell
he knew from what source the money came from that was used in
cting Senator Lorimer and he told me, "Well, that he was reliably
formed "——
Judge Hanecy. I object to that.
Mr. Austrian. He is detailing a conversation of which you drew
t a part, and he is entitled to bring out the rest of it.
Mr. Austrian. The purpose of this testimony is as follows: The
estion was put by Judge Hanecy to Mr. White upon the witness
nd yesterday, "Did you have a talk with Rossell?" and he an-
red, he did. "During that conversation did Rossell say to you,
ou are flying pretty high for a labor skate,'" and didn't you say
Rossell—I do not pretend to quote him exactly—but "Do you
ow anything with reference to corruption in the last session of the
gislature," and he said, "No, sir; I do not;" and didn't you say
him something with reference to bribery with reference to the
ction of Senator Lorimer, or some reference to that subject, and
said, "No, sir." Now, haven't I the right—he saying that he did
ve a talk with Mr. Rossell bearing upon this subject—haven't I the
ght to have him disclose what the talk was?
Judge Hanecy. This witness said he didn't have any such conver-
tion as I read from the testimony of Mr. Rossell on another trial.

Senator BURROWS. The committee will exclude the answer.
Mr. AUSTRIAN. He didn't answer.
Senator BURROWS. Then we will sustain the objection.
Q. Mr. White, this William Joy who was referred to by counse yesterday, is a man who keeps a saloon at Springfield to whom you were supposed to have said something about that you were going t get Lorimer, and get this man, and get money, and make this trip Did you ever see him to know him before you met him in the crimina court building, if you did meet him there, and he was pointed ou to you there?—A. Not to my knowledge. Never saw the man befor in my life that I know of.
Q. Do you remember of any such conversation of unfolding to hin what it is claimed you did unfold; if so, you would probably remem ber it?—A. Yes, sir.
Q. You were asked something with reference to having procure some one to put Yarbrough upon the pay roll as a janitor. Do yo recollect that?—A. Yes, sir.
Q. Who caused him to be put upon the pay roll of the State o Illinois as a janitor?—A. Lee O'Neill Browne; nearly all of the mem bers were permitted—it is a system in vogue, and nearly all th members are permitted to have one or more men appointed to dif ferent positions in the house through the leaders of the house.
Q. How many men, if you know, did Browne have upon that pa roll under similar conditions?—A. Well, sir, I can't tell about hov many, but I know at the time I got the appointment for Yarbroug on the pay roll he gave another representative a slip of paper au thorizing the appointment of another man; but it was understoo with all of us that the followers of the Democrats had men ap pointed by the leaders.
Q. This man George Gloss, the motorman referred to in the cross examination of Judge Hanecy, how long had you known Georg Gloss?—A. I knew Mr. Gloss several years before that; he worke in East St. Louis, on the cars there, on the O'Fallon division.
Q. Did you have any conversation with him in reference to th subject-matter of which he interrogated you on cross-examinatio yesterday?—A. Well, some time after the election of Senator Lor mer there may have been something said then; he may have asked m why I voted for Lorimer.
Q. State what your best recollection is, was there any suc talk?—A. He asked me why I voted for Senator Lorimer; but don't remember now just the answer I gave him; I evaded givin him an answer along that line.
Q. You were asked whether or not you were not an adherent Governor Deneen yesterday, and you were shown a letter writte from Browne to you with reference to wiring for the Morris record.- A. Yes, sir.
Q. Were you an adherent of Governor Deneen?—A. No; I ha never been in his office but one time during the session.
Q. Do you know Governor Deneen?—A. No, sir; only the o time I went in there to consult him about a bill.
Senator BURROWS. Counsel didn't ask you what you went in fo Is that the only time you met him?—A. I met him another time the train going to the funeral of Mr. Scott.

Q. Those are the only two times in your life, were they not?—A. ndividually; we talked in 1907 as a committee—a labor representa- ive.

Q. I mean to have any personal conversation.—A. Those are the nly two times to my knowledge that I ever talked with him.

Q. What were those talks about?—A. I talked or spoke to him bout my bill; it must have been in February.

Q. What year?—A. It might have been the last of March, possibly n April.

Q. Of what year?—A. 1909.

Q. The other talk was long prior to that?—A. The other talk was t the time Mr. Scott died.

Q. Mr. White, did you ever have any conversation with Governor)eneen or Roger Sullivan or any other person occupying an elective ffice or a political office in the city of Chicago or in the State of Illi- ois or elsewhere with reference to the publication of this story?—A. Jo, sir; no one, except those I have mentioned.

Judge HANECY. We don't claim that he had any conversation with :oger Sullivan.

The WITNESS. Just a moment. I tried to get one man to come in, member, and confess if he would. He spoke to me of his knowl- dge of the affair.

Q. You tried to get another man to go to a man and confess?—A. es, sir; and he talked with him, he told me afterwards.

Q. In a letter introduced by Judge Hanecy yesterday from you to ee O'Neill Browne, dated in October, 1909, you say, "The thought f every man is, life brings some interesting surprises. So I presume e should not be surprised at anything in these wonderful days. If live long enough I expect to repay you every dollar you have given e. Don't be surprised in the future at any action I may take." Vhat did you have reference to?

Judge HANECY. I object to that, if the committee please. He is sked to explain something that he said there. Whatever that con- ys is competent here, but it is not competent for him to explain ie intent and meaning of the language that he used at that time.

Mr. AUSTRIAN. It is not for the purpose of binding anyone.

Judge HANECY. He is seeking to bind somebody by the testimony ven, and now is trying to explain away the fair intent and meaning the language used at that time by giving some other meaning it.

Senator BURROWS. We will not spend any time on that.

Q. Mr. White, shortly after—some time after—you wrote this let- r introduced in evidence to Senator Lorimer, did you write a letter Mr. Browne?—A. Yes, sir.

Q. What date, about, as best you can remember?—A. I think the ite was February 27, 1910.

Mr. AUSTRIAN. I will ask counsel whether they have that letter?

Judge HANECY. I never heard of it before, Mr. Austrian. I ink—just wait a minute.

Senator BURROWS. Have you the letter he inquired about?

Judge HANECY. Never had any, Mr. Chairman.

Q. Was that letter sent by you to Mr. Browne?—A. Yes, sir.

Q. Did you receive any reply to it?—A. No, sir.

Mr. AUSTRIAN. I will state to the committee that we have asked t have Mr. Browne summoned here, and if the letter is produced b him, this may go out; if not produced by him, we will endeavor t show it is the best evidence we have on the subject. I want to mak that statement before I endeavor to get the contents of that letter i the record.

Senator BURROWS. Would it not be better to defer that until yo call Mr. Browne?

Mr. AUSTRIAN. I would have to call the witness back.

Senator BURROWS. I think, Mr. Austrian, that you had better wai until Mr. Browne is before the committee.

Q. Mr. White, you testified on cross-examination, in response t questions put to you by counsel, that you started as early as Sep tember, 1909, to enter into communication with a publishing house i the city of New York with reference to the publication of that stor is that correct?—A. Yes, sir.

Q. Were there any communications had between you and thos publishing houses by letter, in writing?—A. Yes, sir.

Q. Will you look at the papers I now hand you and tell me if tha is a part of the correspondence had upon that subject? Look at the and see whether they are the ones; I will put them back in th envelopes for you.

Mr. AUSTRIAN. I offer those in evidence.

Senator BURROWS. Any objection to them?

Senator GAMBLE. If they show that he has made efforts along tha line, might it not be competent evidence. The declarations of couns bandying words back and forth is not evidence. Sometimes stat ments are made that are not made good in the trial. I think it wi be time to take this question up when the evidence is in.

Senator PAYNTER. My recollection is that this witness testified the fact; that he offered this story for sale before the Tribune w approached.

Mr. AUSTRIAN. Yes, sir.

Senator PAYNTER. Then it is in the record now that he did offer for sale before he approached the Tribune. Is that true?

Mr. AUSTRIAN. That is true.

Senator PAYNTER. It seems to me, then, we have all the inform tion we possibly would get on that question.

Judge HANECY. May I make a statement here?

Senator BURROWS. Certainly.

Judge HANECY. Counsel made the statement that I stated th there was conspiracy between Roger Sullivan, Governor Deneen, a the Chicago Tribune. I never said that, and you gentlemen w remember that I did not, and I can not allow it to go unanswere because the purpose, I have no doubt, was that it should go out f publication. I never mentioned Roger Sullivan's name, except to a the witness if he was not a national committeeman, and if he was a a leader in the house, and that Tippit faction was allied with Rog Sullivan, and he was allied with Browne. I never said that or an thing from which it could be inferred, and there is nothing in t record to sustain it.

Mr. AUSTRIAN. I desire now, if the chairman please and the co mittee, to offer this document in evidence.

Senator BURROWS. The original document?

Mr. AUSTRIAN. Yes.
Judge HANECY. I object.
Senator BURROWS. Objection is made.
Mr. AUSTRIAN. I think that is the same question that you said you would consider during the noon recess.
Q. Now, Mr. White, I believe you stated that the letter of October 24 that was shown to you yesterday—do you recollect that letter?—A. Yes, sir.
Q. And also some reference made in the question of counsel to you of a letter of October 24 with reference to procuring a position?—A. Yes, sir.
Q. Will you explain that letter? Will you detail to the committee to what that letter referred?
Judge HANECY. It is objected to.
Mr. AUSTRIAN. Then produce the letter of October 24.
The WITNESS. It was not October 24. It was in reply to a letter I had written just previous to October 24.
Judge HANECY. Do you want us to produce it?
Mr. AUSTRIAN. Yes, sir.
The WITNESS. Judge Hanecy left the impression that it was in reply to a letter I had written.
Q. Do you desire to explain any answer you made to Judge Hanecy with reference to a letter of October 24?
Judge HANECY. This letter would not be in my possession; it is in your possession.
The WITNESS. It is a letter from Mr. Browne to me in answer to letter I had written to him previous to that.
Judge HANECY. I have a copy; you can use that if you desire.
Q. Do you want to look at it, Mr. White?—A. Yes; I would like to look at it. [Letter handed witness.]
Q. What explanation do you want to make?—A. I would like to ask where the letter is that I wrote to Mr. Browne relative to this matter.
Q. That is what you wanted?—A. That is what I wanted.
Mr. AUSTRIAN. Have you that letter?
Judge HANECY. Written just previous to October 24 to which this a reply?
The WITNESS. To which this is a reply.
Judge HANECY. This letter does not say it replies to anything.
Mr. AUSTRIAN. No, sir.
The WITNESS. It was in reply to a letter.
Judge HANECY. The letter I introduced in evidence was a letter by Mr. White to the Hon. William Lorimer.
The WITNESS. Yes; that is the question I want to explain.
Judge HANECY. You want that letter?
The WITNESS. No; I want the other letter. That is a reply to the letter I wrote Browne.
Judge HANECY. I have a letter from White to Browne about October 1, 1909, or I have a copy of it.
Mr. AUSTRIAN. It is immaterial. I will recall the witness.
Q. Mr. White, Thomas Kern, who was referred to upon your cross-examination as having been a member of the legislature, and whom you asked on the 27th of May, 1909, to hold up a so-called tenour labor bill and said if he would hold it up you could get some

money out of it. Did you ever have any such conversation with Thomas Kern?—A. No, sir.

Q. Did you have any conversation with Thomas Kern with reference to a ten-hour labor bill at all, or any other bill, in reference to holding it up?—A. No, sir; not in reference to holding up any bill whatever.

Q. What was your salary account in the legislature?—A. Two thousand dollars and mileage and $50 for postage.

Q. Prior to the 15th day of June, 1909, had you drawn your entire quota of salary?—A. Yes, sir.

Q. How long prior?—A. I drew all of my salary before the last of February, 1909, as I remember it now.

Q. Did you have any of your salary account left on the 15th day of June, 1909?—A. No, sir. My bank account will show——

Senator BURROWS. You have answered the question.

Mr. AUSTRIAN. I think that is all.

Senator BURROWS. The committee will now take a recess until o'clock.

WEDNESDAY, SEPTEMBER 28, 1910—2 O'CLOCK P. M.

Committee met pursuant to adjournment and the following proceedings were had:

CHARLES A. WHITE, a witness heretofore called, resumed the stand for further examination by Mr. Austrian and testified as follows:

Senator BURROWS. The committee have doubt as to the admissibility of the testimony you proposed showing, Mr. Austrian, the disposition of money that he made after he claims to have received this sum of $1,900, all told, but, under the circumstances, the committee will allow you to show that, without establishing a precedent as to what we may hold under other conditions. So far as the testimony itself is concerned, of course, the committee will give such consideration to as in its judgment it deserves.

Mr. AUSTRIAN. Certainly; I assume that applies to all of the evidence that either side may produce.

Senator BURROWS. Yes; and I may as well say about your other offer to admit in evidence the original story that he presented the committee will have to sustain the objection; it can not be received.

Mr. AUSTRIAN. May I have leave to offer it again when the state of the record will be different? There will be a different state of the record if counsel pursues the theory that he states he will.

Senator BURROWS. We will meet that question when it arises.

Q. Mr. White, immediately after the receipt of this money, the $1,900—we will take the $1,000 you say you received first or $900 that you received about the 16th or 17th of June at Chicago at the Briggs House—will you state what disposition you made of that money, what did you do with it?—A. I paid off bills——

Q. No; where did you take it? Did you put it in your pocket?—A. Yes; I put it in my pocket and took it to O'Fallon and East St. Louis.

Judge HANECY. Address the committee so that we can hear.—A. I put it in my pocket—in my coat pocket—and took it back to East St. Louis and O'Fallon, and the day after I got back I begun to pay off some bills I owed and some other debts that I owed. I have some of the receipted bills for that.

Q. Will you look at the papers I now hand you and state whether r not those are the documents you referred to just now?

Judge HANECY. I assume that it won't be necessary for me to make bjections to all this as it goes in, but it goes in subject to the ruling nd the doubt which the chairman expressed.

Senator BURROWS. Yes.

The WITNESS. These are the bills I paid off immediately after rriving back. These bills were paid out of some of the money also. hat does not represent all of the money that was paid out.

Mr. AUSTRIAN. No.

The WITNESS. That is the money I have receipts for, to show there.

Q. What other moneys did you expend, pay out, or disburse in ny manner whatsoever? I want to save time.—A. I could not ay all.

Q. Examine those [handing checks to witness]; what are those?—. Those checks are checks that I drew as a result of a special eposit made of that money. My bank account was exhausted at hat time, with the exception of a little more than a dollar, possibly 1.80 at that time, and I made a special deposit of the money that received up here from Mr. Browne to cover those checks in order o cover those small accounts by mailing checks out. The bank book ill show that. A memoranda on there calls for some bills——

Judge HANECY. Are you offering these papers?

Mr. AUSTRIAN. Yes; I offer them in evidence.

(Which said checks are in the words and figures following, to wit:)

[Exhibit 1–A.]

No. ——.

O'FALLON, ILL., *6/19/1909.*

o FIRST NATIONAL BANK:

Pay to the order of Jno. Fey $8.48, eight 48/100 dollars.

CHAS. A. WHITE.

On the back of said exhibit is the following indorsement:

Jno. Fey. Banner Bottling Company, F. U. sec. & treas. Pay yourselves or rder. Southern Commercial & Savings Bank, St. Louis, Mo. W. A. Kammerer, ashier.

[Exhibit 2–A.]

No. ——.

O'FALLON, ILL., *6/19/1909.*

o FIRST NATIONAL BANK:

Pay to the order of Tri City Packing Co. $3.54, three 54/100 dollars.

CHAS. A. WHITE.

And on the back of said exhibit the following indorsement:

Beebe Bros. Pay to the order of any bank or banker; all prior indorsements uaranteed. June 22, 1909. Union Trust & Savings Bank, East St. Louis, Ill., . P. Keshner, cashier.

[Exhibit 3–A.]

No. ——.

O'FALLON, ILL., *6/19/1909.*

o FIRST NATIONAL BANK:

Pay to the order of J. H. Herron $2.66, two 66/100 dollars.

CHAS. A. WHITE.

And on the back of said exhibit the following indorsement:

J. H. Herron. Pay Illinois State Trust Co. Bank, East St. Louis, Ill., or order. The New Peerless Bread Co. Per Glenn Pruett, secy.

Pay to the order of Ft. Dearborn Natl. Bank, Chicago, Ill., June 29, 1909 All prior indorsements guaranteed. Illinois State Trust Co. Bank of East St Louis, Ill. Jas. E. Combs, cashier.

[Exhibit 4–A.]

No. ——.

O'FALLON, ILL., *6/19/1909.*

TO FIRST NATIONAL BANK:

Pay to the order of Peter J. McGann $12.50, twelve and 50/100 dollars.

CHAS. A. WHITE.

And on the back of said exhibit the following indorsement:

Peter J. McGann. Pay yourselves or order German Savings Institution, St Louis, Mo.

[Exhibit 5–A.]

No. ——.

O'FALLON, ILL., *6/19/1909.*

TO FIRST NATIONAL BANK:

Pay to the order of Suburban Pharmacy, $80/100, 80/100 dollars.

CHAS. A. WHITE.

And on the back of said exhibit being the following indorsement

Suburban Pharmacy, by Alex. Woods, prop.

Pay to the order of any bank or banker, prior indorsements guaranteed Jul. 1909. Mechanics' American Nat'l Bank, St. Louis, Mo., J. S. Calfee, cashier.

[Exhibit 6–A.]

No. ——.

O'FALLON, ILL., *6/19/1909.*

TO FIRST NATIONAL BANK:

Pay to the order of McGowan House $6.50, six 50/100 dollars.

CHAS. A. WHITE.

And on the back of said exhibit being the following indorsemen

McGowan House. J. L. M. Pay to the order of any bank or banker. Pri indorsements guaranteed. June 24, 1909. Mechanics' American Nat'l Ban St. Louis, Mo. J. S. Calfee, cashier.

[Exhibit 7–A.]

No. ——.

O'FALLON, ILL., *6/19/1909.*

TO FIRST NATIONAL BANK:

Pay to the order of Jos. Kinlein, $3.75, three 75/100 dollars.

CHAS. A. WHITE.

And on the back of said exhibit being the following indorsemen

Pay Illinois State Trust Co. Bank, East St. Louis, Ill., or order. Indepen ent Brewers Co., St. Louis, Mo.

Pay to the order of Ft. Dearborn Nat'l Bank, Chicago, Ill., June 23, 1909. prior indorsements guaranteed.

Illinois State Trust Co. Bank of East St. Louis, Ill., Jas. E. Combs, cashier.

Mr. AUSTRIAN. (Handing Judge Hanecy papers.)

Judge HANECY. The first and second pages of these papers are his own handwriting and are simply his statement or a memorandu of things that he says he paid out and about $25 or $30 in checks.

Mr. AUSTRIAN. We will explain that. How much on the receipted ills?

Judge HANECY. There is about $86.

Mr. AUSTRIAN. These checks are all dated the 19th of June.

Judge HANECY. There is just one bill in this bundle of papers that s against Mr. White, out of all that number; all the others are against omebody else.

Mr. AUSTRIAN. We will connect these.

Judge HANECY. That is just the way they should not go in.

Mr. AUSTRIAN. It doesn't make any difference who the bills are gainst as long as these are bills that he paid.

The WITNESS. They are my individual bills.

Mr. AUSTRIAN. Under that firm name.

Senator BURROWS. How much is the amount of the bills paid?

Mr. AUSTRIAN. Something over $200, nearly $300.

Judge HANECY. $35 in checks. There are bills here, I think, aggre- ating $65.

Mr. AUSTRIAN. What difference does it make, the amount, if that is hat you paid?

Judge HANECY. I was answering Senator Burrows, the chairman, ho asked how much they were.

Senator BURROWS. You say the checks amounted to $35?

Judge HANECY. Thirty-five dollars and some cents.

Senator BURROWS. What is the amount of the bills?

Mr. AUSTRIAN. The witness will tell in a moment.

Judge HANECY. The bills show $86 in round numbers.

By Mr. AUSTRIAN:

Q. Mr. White, the papers which I now hand you are what you term our special deposit, were they not?—A. Yes; with the exception of bout a dollar or something which I had in the bank.

Q. You stated you made a special deposit and these were paid out of ie moneys that you received from Browne June 16 or 17, 1909. Is iat right?—A. Yes, sir.

Q. And with the exception of these first sheets, first two sheets, hich were in your handwriting, were the bills, or some of them, hich you paid out of the money in question; is that correct?—A. es, sir; these were some of the bills that were paid with that money.

Q. Were these bills obligations of your own or some one's else?— . Yes, sir; they were obligations of my own, and we run this ac- unt. Johnson was out of the business.

Q. You were the concern of Johnson & White?—A. Yes, sir; it as prior to that.

Q. You are the White, are you?—A. Yes, sir.

Mr. AUSTRIAN. We offer these bills in evidence.

(Which said bills were and are in the words and figures following, wit:)

[Exhibit 1–B.]

[Law office, Wm. P. Launtz, Metropolitan Building, Launtz Block.]

EAST ST. LOUIS, ILL., *June 21, 1909.*

Received from Hon. C. A. White the sum of eighteen dollars, account rent ice room No. 5, floor Metropolitan Building, Launtz Block, for month ending ne 30, 1909.

Tenants intending to move, it is hereby understood and agreed, in consideration of the acceptance of this rent, must give owner thirty days' notice of such intention at end of previous month or pay a month's rent.

All rents payable in advance.

WM. P. LAUNTZ, *Owner.*

[Exhibit 2–B.]

To The East Side Printing Company, Dr., 19–21 North Third street, East St. Louis, Ill.

May 24/09.

JOHNSON & WHITE REALTY CO.

March 30	2,000 cards	$3.25
30	1,000 letter heads	3.50
30	1,000 ragland envelopes	2.50
30	1,000 rent signs	4.10
April 8	5,000 dodgers	8.00
20	1,000 cards, J. E. White	2.25
		23.60

Paid June 18/09.

HOUSE.

[Exhibit 3–B.]

[Phones, Bell E. 540, Kinloch S. Clair 1319. St. Louis Office, room 614 Victoria Building, 8th & Locust Sts. Phone, Kinloch Central 1493.]

EAST ST. LOUIS, ILL., *6/17/1909.*

M. Nat. Claim & Adj. Co., debtor to M. E. Montgomery Advertising Company, display advertising signs.

For advertising space, as per contract for month of

Balance per bill $10.50

Paid.

M. E. MONTGOMERY & CO.
Per JOHN DORMAN, 6/19/09.

[Exhibit 4–B.]

[Henry L. George, rubber stamps, seals, stencils, blank books, stationery, printing, engraving, lithographing, and bookbinding. 336½ Missouri avenue. Macy filing appliance and sectional bookcases, Floyd filing systems, card index, cabinets, and supplies, Majesti loose-leaf ledgers, loose-leaf devices and books, typewriter supplies, carbon paper, bras and aluminum checks, metal plates, solid rubber type, numbering machines, duplicatin and triplicating carbon books.]

Order No. ——. Terms ——.

EAST ST. LOUIS, *April 21, 1909.*

Sold to Johnson White R. E. Co.

1 300 p. journal, half conn	2.7
1 500 p. acct. ledger	2.7
1 D. E. small ledger	.3
1 D. E. sheet flat opening ledger	5.2
	11.1

Paid 6/19/1909.

H. L. GEORGE.

[Exhibit 5–B.]

To the East Side Printing Company, Dr., 19–21 North Third street, East St. ouis, Ill.

[ATIONAL CLAIM ADJUSTMENT CO.

May 24/09.

pril 7,	2,000 envelopes	4.25
	2,000 cards	7.00
	1,000 large letter hds., with name; 10,000 large letter heads, without name	8.50
16.	1,000 letter heads, small size	3.00
16.	2,000 second sheets	2.80
		$25.55

Paid June 12/09.

HOUSE.

Mr. AUSTRIAN. And these papers, which I show you, what are hese?—A. Memoranda I made at the time. I paid off a good many ebts there.

Q. Are those memoranda correct, and do they truthfully disclose he amounts of money you paid to those persons named on those nemoranda, respectively?—A. Yes.

[Exhibit 1–C.]

JULY 5, 1909.

oom	$10.20
ressing	3.75
aund	2.68
	$16.43

Received from Chas A. White sixteen and 43/100 dollars in full for hotel bill o date.

$16.43.

A. D. CALKINS.

[Exhibit 2–C.]

[Law Office, Wm. P. Launtz, Metropolitan Building, Launtz Block.]

EAST ST. LOUIS, ILL, *July 7, 1909.*

Received of Hon. C. A. White the sum of eighteen dollars, account rent ffice room No. 5, floor Metropolitan Building, Launtz Block, for month ending uly 31, 1909.

Tenants intending to move, it is hereby understood and agreed, in considera- ion of the acceptance of this rent, must give owner thirty days' notice of such ntention at end of previous month or pay a month's rent.

All rents payable in advance.

WM. P. LAUNTZ,
Owner.

By Mr. AUSTRIAN:

Q. What memoranda are you referring to?—A. This is the one.

Q. Oh, it is dated June 19, isn't it?—A. June 19, this one here overs the checks that are drawn there that I made a notation of at he time, and it shows a balance in the bank of $1.80.

Q. What is the other memoranda which you made?—A. This showed that I paid Henry L. George $11.10 cash, The East Side Printing Company $49.15.

Judge HANECY. Those are the bills that he is now repeating the second time.

The WITNESS. Not altogether, Mr. Hanecy.

By Mr. AUSTRIAN:

Q. Read those that are not bills.—A. I paid my stenographer, Miss Mary Vandever, back wages, $50.50; I paid Otis Yarbrough $50.

Q. The two items, Mary Vandever and Otis Yarbrough, are not included in those bills, are they?—A. No, sir.

Q. When you received this money and went to O'Fallon and then to East St. Louis, did you exhibit this money to anyone?—A. Yes, sir.

Q. To whom?—A. It was exhibited in the presence of Otis Yarbrough, Mr. John Dennis, Miss Mary Vandever. It was placed on deposit over night in care of the Grand Leader department store through Mr. Kirkpatrick.

Judge HANECY. I submit that that does not come within the offer of counsel that was considered by the honorable committee this morning, but does come specifically within the former ruling of this committee, and I move so far as it has gone in relation to this that it be stricken out.

Mr. AUSTRIAN. Couldn't I show that he made a deposit on the day after he received this money, if I show that he made a deposit of $850 on the day after receiving it? Can't I show that he put it in the custody of a third person the day after he received it?

Senator GAMBLE. The understanding I had of the ruling was as to the disposition of the bills.

Mr. AUSTRIAN. I interpose another question; that is the first time that question has been raised in this case.

Judge HANECY. No. They raised it here yesterday and the committee ruled on it very specifically and said he could not put it in and I think that is the understanding of this honorable committee.

Mr. AUSTRIAN. There never has been a case anywhere that holds that where I show that a witness testified that he got $850 under the same circumstances as here, that he would not be permitted to testify that he deposited it in a bank as corroborating his testimony.

Senator HEYBURN. I think the conclusion arises in the use of the word "corroboration." It might be a part of the same transaction but a different rule applies as to the admission of that class of testimony from testimony that is offered in corroboration. This witness can not corroborate his own testimony; he may testify as to another transaction and let the testimony stand for what it is worth.

Judge HANECY. As to res gestæ there is just a part of the evidence that it admissible as part of the res gestæ or as corroboration, and the authorities cited are exactly in point that where a woman charged with bribery has made a payment of $500, and they attempt to show and did show, that $450 was drawn from the bank, the court of last resort reversed the conviction on that ground alone, and a number of others. They hold that where things were done immediately after getting the money it was a part of the res gestæ and that is the doctrine, Senator Heyburn, that I refer to. That is one of the classes

of evidence that is admissible in certain cases, but that is not this case. This is not a part of the res gestæ. This is something that took place a long time after he is said to have obtained the money.

Mr. AUSTRIAN. How long after; the next day after he testified?

Judge HANECY. Well, he got to his home the next day.

The WITNESS. I got to my home the next day.

Senator BURROWS. Let the witness state if he made a deposit of the money.

The WITNESS. I made a deposit in the Grand Leader, not of record but with the cashier.

Mr. AUSTRIAN. Where did you make that deposit?—A. In the Grand Leader.

Q. What is the Grand Leader?—A. It is a department store; the cashier put it away until the next day, the following day.

Q. How much deposit did you make there?—A. About $800.

Senator BURROWS. How much did you deposit, did you say?—A. About $800.

Senator BURROWS. Do you know how much it was?—A. I think it was $800.

Senator BURROWS. Eight hundred dollars?—A. Yes, sir.

Senator BURROWS. Who was the individual who received the money?—A. The man who took me to the cashier; his name was Thomas P. Kirkpatrick. I met the other man, was introduced to him, but I forget his name.

Senator BURROWS. Who received the money?—A. Well, I can't recall his name.

Senator BURROWS. You don't know who it was?—A. No, sir; I can't recall his name. Mr. Kirkpatrick may tell you; he knows the cashier.

Judge HANECY. You had a bank account at that time in O'Fallon?—A. I had.

Mr. AUSTRIAN. Are you examining the witness?

Senator BURROWS. Wait just a moment.

Q. That was a special deposit with him?—A. Yes; to be left overnight.

Q. To be left overnight?—A. Yes, sir.

Senator BURROWS. Of $800?—A. I think it was $800.

Senator BURROWS. What date?—A. This must have been on the night of the 18th, the afternoon of the 18th, possibly about 4 o'clock.

Judge HANECY. The 18th of what?—A. June, 1909.

Mr. AUSTRIAN. The other items evidenced by the three bills, did they come out, so far as you know, from this money?

Senator BURROWS. Out of what money?

Mr. AUSTRIAN. We are only talking about the $1,000.

A. These two bills here came out of that amount and this bill.

By Mr. AUSTRIAN:

Q. These two bills, referring to the bill of July 7 and one of July , 1909; it is receipted, signed by William T. Launtz.

Judge HANECY. Is that the rent bill?

Mr. AUSTRIAN. I assume it is the rent bill. The other one is a receipt from Calkins dated July 5, 1909, for hotel bills to date. These two came out of that fund, did they?—A. Yes.

(Which bills were heretofore received in evidence as exhibits "1–C" and "2–C.")

Senator BURROWS. How much are those?

Mr. AUSTRIAN. They aggregate something like $40.

The WITNESS. Thirty-five dollars.

Senator BURROWS. Before you proceed, those better be read into the record.

Judge HANECY. They ought to be copied into the record by somebody, so that hereafter when this honorable committee or their associates want this record they won't be left in the dark.

Mr. AUSTRIAN. The official stenographer has got them for the purpose of copying them into the record.

Judge HANECY. Are they to be copied or compared?

Senator BURROWS. Copied into the record.

Mr. AUSTRIAN. Mr. White, what other disposition did you make of the thousand dollars?—A. I paid——

Q. What disposition did you make of the $100 received in Springfield?—A. Used it in paying expenses in East St. Louis, my business there which I had practically lost all of my money in; my salary money, except my expenses in the legislature, my expenses there and otherwise.

Q. Did you make any gifts or anything of that sort out of this fund to anyone?—A. Yes, sir.

Q. If so, to whom?—A. I went down home to Tennessee to my parents along about the last of June. I took Otis Yarborough with me; paid his expenses down there and back. I gave my mother a $50 bill and my father a $50 bill, and I presented my mother with a bed I bought, costing thirty-seven and something complete, purchased at the Sterkey Furniture Company.

Q. Where?—A. At Knoxville, Tenn., the Sterkey Furniture Company; it was a complete bed—that is, bed, mattress, and what furnishings went with it—all the furnishings with it.

Q. Yes.—A. I gave Otis Yarborough there money to pay his expenses while he was there.

Q. And other expenditures of that sort?—A. Yes.

Judge HANECY. Oh, let him testify.

The WITNESS. I am going to tell. I spent a great deal of money in there. I haven't been there for several years, and I spent money in numerous ways, and I made some small presents. One of my younger brothers I gave a little money to, and so forth, and then I think there was——

Mr. AUSTRIAN. Keep your voice up.

A. I am trying to refresh my memory on some more of the expenditures.

Q. All right. We will not take the time now. At the time you received the $900, concerning which you testified on your direct examination, in St. Louis from Robert E. Wilson in July, had you theretofore expended, paid out, and disbursed the thousand dollars which you had received from Browne in Springfield and Chicago during the month of June?—A. Yes, sir.

Judge HANECY. To that I object.

Senator BURROWS. Let the witness answer.

Mr. AUSTRIAN. State what else you expended this money for.—A. gave money down there to some of my many friends I had borowed a little money from. I think I had borrowed some——

Q. Can you state who your friends are?—A. I had borrowed some rom Sidney Yarborough; I paid him back.

Q. You have stated——

Senator BURROWS. How much was that?—A. I think I got somewhere in the neighborhood of $30 from him.

Q. Can't you tell how much it was?—A. I can't tell definitely; I now Sidney loaned me $30 at one time, and I am not positive whether I paid it back or not before I got this money.

Q. Then you don't know whether you paid that $30 out of this und?—A. No, sir; but I know I paid him.

Q. You paid him some?—A. Yes, sir; I know that he left shortly fter he got this money for South Dakota.

Q. Where else did you spend any?—A. I gave a young man by he name of John Davidson, or Jack Davidson, we called him there, ome money; I think I gave him $20. He had been assisting me round in the work, and I owed it to him.

Q. Who did you give it to?—A. Jack Davidson, or John H. Davidon, I think his initials are, and a man by the name of Dan Evans; gave him money two or three times.

Senator BURROWS. How much?—A. From $2 to $5. I gave him 10 or $12 in small amounts. He had been working for me, and I hink that I was exhausted on that money I had got from the Lorier sources by that time; I had spent it. I think there were some xpenses beside that.

Mr. AUSTRIAN. Go on.—A. That is about all that I can recall in hat way.

Q. Did you pay your living expenses out of it at that time?—A. Yes, sir.

Q. Have you, Mr. White, stated all that you remember of these xpenditures?—A. Yes, sir.

Q. Now, Mr. White, having stated all that you remember of these xpenditures, will you state whether or not, to the best of your recolection, at the time that you received the money from Wilson in St. Louis, $900, the thousand dollars had been expended?—A. Yes, sir; was practically out of money when I got that money from Mr. Wilson.

Q. Now, will you tell the committee what disposition—that was n July?—A. Yes, sir.

Q. July, what date?—A. July 15, 1909.

Q. Will you tell the committee the disbursement and disposition hat you made of the $900?—A. Well, I had small accounts to pay ff in the office there that had accumulated; some rent, and I hadn't losed that business up there until after I had received that money. Then a brother of mine and a cousin of mine came up here with me rom down home—that is, my home—my native home in Tennessee. paid their expenses to Chicago and kept them up here for more han a week; gave them money while they were here, and I also gave Otis Yarborough—he wanted to start to work—I gave him $50 to come o Chicago and go to work, and I spent a great deal of money in comany with Browne in trips on the lake and here in Chicago together; e were here a good deal.

Q. Are those the trips referred to in the letter from Browne to you under date of September 9?—A. Yes, sir.

Q. How long did those trips last?—A. Well, we were together in the neighborhood of two weeks. Made three trips across the lake and back. Went to St. Joe twice, and to Muskegon.

Q. How long were you with him in and about Chicago on those trips?—A. I should judge we were together in the neighborhood of two weeks.

Q. And how much would you say you disposed of while you were with Browne in August and September, prior to September 9, during those junkets?—A. Well, the best way that I can tell that is, when I came to Chicago and met Browne I had about $550 with me, and I had spent all of my money—well, I hadn't spent all; I had loaned Browne $220 of that money, and then I wanted to pay my hotel bill when I got ready to leave here, and I didn't have enough money to do it and Browne gave me back $20, so that I would have enough to spare; he gave me back $20 to settle the hotel bill. So the trips cost me in the neighborhood of $300, but a week or so following that Browne sent the other $200 to Chicago by Mike Gibbon.

Q. Who was Mike Gibbon?—A. He was Mr. Browne's stenographer and secretary.

Q. And still is Mr. Browne's stenographer?—A. I don't know.

Q. Was at the last session?—A. He was at the last session, so I was told; he was while I was there.

Judge HANECY. You mean session of the legislature, and not of this committee?

Mr. AUSTRIAN. Of the legislature. Proceed Mr. White.

A. Then I came here, and when I came up here I got the $200, and there was a man named Will Gray that come up here from St. Louis with me. Gray and I stayed around here for a week or so and we spent money freely. Gray didn't have any money to speak of; he had got out of employment in St. Louis and came up here.

Q. You spent the money?—A. We spent the money.

Senator BURROWS. That is what he has testified to.

Mr. AUSTRIAN. That is all.

Recross-examination by Judge HANECY:

Q. How many trips did you make on the boat during the two weeks; you refer to the two trips that you made across the lake to Michigan—to Muskegon and St. Joe and Kalamazoo, Mich.?

Senator BURROWS. He didn't say Kalamazoo; he said Muskegon.

Judge HANECY. Well, the other places you mentioned, Muskegon?—A. We made two trips to St. Joe and one trip to Muskegon.

Q. How long did you stay at St. Joe the first trip?—A. The first trip we went over in the morning, Sunday morning, and left in the afternoon, and left again Sunday night and reached there Monday morning, and left there Monday night, and then Tuesday night we went—it was either Tuesday or Wednesday night, I am not positive about that—we went to Muskegon.

Q. I don't care about the time exactly.—A. We went to Muskegon and stayed over there to the following day and then left there the following day—the following night—and came back; spent one day in Muskegon.

Q. You went on the boat each of the three trips?—A. Yes, sir.

Q. The fare over there was 50 cents, and the fare back was 50 ents too, was not it?—A. I don't remember what the fare was at he time.

Q. It is 25 cents in the summer time, but I was giving you the arger amount; that is right?—A. I don't remember what the fare vas; we had parlor rooms on the boat.

Q. You did not pay the fare either going or coming on either of hose trips, did you?—A. I bought the tickets, I think, on one of the rips.

Q. Didn't Browne give you the money; didn't Browne pay the xpenses on each one of the trips, the fare and the other expenses?—. No, sir.

Q. Are you sure about that?—A. Sure.

Q. Be kind enough to tell this committee what you paid on those rips.—A. I paid a good deal of money.

Q. Will you be kind enough to tell what you spent; any one sum hat you spent?—A. I could not itemize all those little expenses, Mr. Ianecy.

Q. Tell anything you spent?—A. We spent money for refresh- ients.

Q. I didn't ask you what you spent it for, but what you spent of our money?—A. I spent money for refreshments.

Q. How much?—A. I could not recall those amounts entirely.

Q. That is all I want; you can't recall any one item?—A. I can't ecall.

Q. Who was in that party; that is, I mean there was—I will with- raw that. There was in that party you and Mr. Browne, on how ıany of those trips?—A. On all the trips.

Q. Was Mr. Zentner there?—A. He was on the first trip to St. Joe n Sunday morning, and left there Sunday afternoon and came back, nd he went with us on the trip with us to Muskegon.

Q. So you, Lee O'Neill Browne, and Fred Zentner were on two f the trips, one to St. Joe and one to Muskegon and back again?—A. es, sir.

Q. And you and Browne were on the other trip to St. Joe and ıck?—A. Yes, sir.

Q. Now, isn't it a fact that Browne paid all of the expenses, fare ıere and back, and all of the expenses while on the trip on the boat boats and at St. Joe and at Muskegon?—A. No, sir.

Q. Until you got back?—A. No, sir.

Q. But you can't name an item of expense that you ever paid to ıybody on any one of those three trips?—A. Now, Mr. Hanecy, I ill give the bell boys' names, if you want to call them in and ask ıem who bought refreshments, etc.; yes, sir.

Q. I am not asking for bell boys, unless you are of that kind.

Q. (Last question read.)—A. I can't name them absolutely. I n't itemize all of those things, Mr. Chairman, because it was money ent freely, promiscuously.

Senator Burrows. Anything else?

Judge Hanecy. While you were in Tennessee, and when you say ou gave your father $50 and your mother $50, you stopped at your lks' house, didn't you?—A. Well, there is a quite a family there at ome, and we stopped at the hotel—made our stopping place there at ght.

Q. You slept where?—A. At the Stratford Hotel.
Q. You got your meals at your father's and mother's?—A. No; not all of them.
Q. How long did you stop there?—A. We had a room at the Stratford Hotel, two rooms there all of the time that we were there
Q. How long?—A. I don't know—about eight days, or something like that, or maybe a little longer.
Q. Didn't you testify in the other case that it was three days?—A Where?
Q. That you stopped in the town where your father and mother lived at that time, at the Stratford Hotel?—A. No.
Q. You didn't?—A. I don't think I mentioned any specific time I don't know just how many days it was; I stated I didn't remember the exact number of days.
Q. Why do you think it was eight days?—A. Well, I don't remember now; you can ask the people there.
Q. Do you know how much you paid the Stratford Hotel people?—A. The receipt here shows.
Q. That is one of these bills here?—A. Yes.
Q. Then it should not be counted in twice?—A. That bill was counted in as a part of the first money.
Q. Then you went down there—I will withdraw that—and Otis Yarbrough went with you?—A. Yes.
Q. Otis Yarbrough was the man that you got a job for in one of the state departments while you were a member of the legislature?—A. Through Mr. Browne I had him a position.
Q. And he obtained a salary of what amount?—A. Well, I don't know; I think it was $2 a day; I would not be positive about that.
Q. Wasn't it $4?—A. I think it was $2 a day. I looked over the list afterwards, and if I remember rightly it was $2 a day.
Q. And that continued up to the 4th of June?—A. I don't think it did, no; I think they dispensed with the appointees before the legislature adjourned.
Q. A day or two before?—A. Some time before that; no, I won't be positive about the exact date; it might have been a week before or two weeks; I would not be positive.
Q. Otis Yarbrough went down with you to your home town and worked in the real estate business, did he?—A. Well, he helped around the office there; yes.
Q. You were in the real estate business and had a partner there at O'Fallon?—A. Yes; at East St. Louis.
Q. Did you have a real estate office at O'Fallon, too?—A. No.
Q. You were doing business there all the time, even while you were in the legislature; your partner was attending to the business in East St. Louis?—A. Well, we started that business in March; not all the time; I can't answer in that way.
Q. From March up to the 4th of June?—A. Yes, sir.
Q. Now, you say that you gave Sid Yarbrough about $30; when did you give Sidney Yarbrough $30?—A. That is after I got the money from Mr. Browne.
Q. Tell us by the calendar—— —A. I can't give the date.
Q. ——approximately the date.—A. It was, I should judge, before I went home; Sidney left and went to South Dakota after that shortly afterwards.

Q. Reason it out and give the date as nearly as you can.—A. I will figure on it; it was near the last of June.

Q. Near the last of June?—A. That is the way I would estimate it.

Q. Davidson—do you know when you gave the check to John or Joe Davidson of $20, or any other sum of money?—A. No; I can't recall the date; Mr. Davidson might be able to fix that. I want to state here it might have been possible I gave him that $20; in correcting my testimony, if there is a mistake, now, it might be even possible I gave that $20 after I got the $900 from Wilson in St. Louis; that might be possible, but I am quite sure I gave him $20.

Q. When was it?—A. I can't fix the date more positively; after I got the money in Chicago, shortly after that, or after I got the money in St. Louis.

Q. You say you gave Dan Evans $8 or $10 in sums of $2 or $3?—A. Yes.

Q. When?—A. At different intervals.

Q. You say you paid the expenses of yourself and Otis Yarbrough in going down to your home in Tennessee?—A. Yes.

Q. You rode on a pass, didn't you—you and Yarbrough—down to Cairo?—A. No, sir; we took the Southern Railway to St. Louis, and I bought two tickets and paid $16 each, $32 for two tickets, to Maryville, Tenn.; we got summer rates on them, and had a Pullman sleeper going down.

Q. So you paid $16 for round trip down to your home and back again?—A. Thirty-two dollars for the two of us.

Q. Did you pay for Yarbrough's ticket?—A. Yes, sir.

Q. Are you sure about that?—A. Yes.

Q. You didn't pay any bills in your home town in Tennessee, did you?—A. No bills, except for a present that I gave to my mother.

Q. You didn't pay any debts you owed?—A. I don't know; there is a question whether I owed them or not.

Q. You didn't owe a tailor's bill down there, did you?—A. There is a question I don't think it is right for me to answer; there is a question as to whether I owed them or not.

Q. You didn't pay it?

Senator BURROWS. Did you pay any bills?—A. I didn't pay any bills.

Q. When proceedings were begun against you for the collection of that bill you hurriedly left the town, didn't you?

Mr. AUSTRIAN. I object to that as immaterial. We will try the merits of that lawsuit, as to the tailor bill, and if he hurriedly left the town, if he wants to; I haven't any objection, if you permit us to go into the merits of this controversy, whether or not this man left the town or not.

Judge HANECY. I think it is all collateral.

Mr. AUSTRIAN. I am not talking about anything but this, if the committee desires to hear it.

Senator BURROWS. The committee does not desire to hear anything further than what the witness has stated—that he was not indebted to this party and he did not pay anything.

The WITNESS. And I stated there was a question about that and we had the documents to show that.

Senator BURROWS. You didn't pay any bills?—A. I paid no bills.

Judge HANECY. The total amount of all of these items, so far as you can enumerate them, giving the largest amounts, aggregates $471.50; is that right?

Mr. AUSTRIAN. I object, if you call for the items, that is a question of simple addition.

Judge HANECY. That does not change the fact that I have the right to ask him; I am not bound by his conclusions.

Q. I said the amount you have given, the items giving you the benefit of the largest amounts; of course, if I am bound by his statement and not permitted to cross-examine, and I would be bound by his answers, then I will suspend further cross-examination on that question and I don't care to go any further.

Senator BURROWS. Will you read the question?

(Question read by reporter.)

Senator BURROWS. You can answer the question.

A. I would not answer that positively at all until I have added them up.

Judge HANECY. I don't care to catch you on any specific question.—A. If it figures up the amount you have stated, I presume it is.

Q. The bills you have presented here, one of them is a receipt for $18; that is, for the rent of your real estate office, isn't it, in East St. Louis?—A. Yes; that is rent of the office.

Q. For which your firm was liable?—A. Our firm?

Q. Yes.—A. No; that is rent I presume I owed.

Q. You had a firm?—A. Yes.

Q. You had a partner?—A. Yes.

Q. That was, however, a partnership business?—A. Yes.

Q. And the bill of twenty-three sixty, of the East Side Printing Company is against Johnson & White Realty Company; that is right, isn't it?—A. That was against me; it is made that way, but it was my bill. Johnson had left and I paid the expenses.

Q. It was against the Johnson & White Realty Company?—A. That is the way the bill was made, but it belonged to me.

Q. Was your real estate firm or business corporation known as the Johnson & White Realty Company?—A. It was for awhile.

Q. It was a corporation?—A. No; it was not a corporation; it was the name of the firm; it was never incorporated.

Q. That was the style you did business by?—A. That was the name we gave it.

Q. What was the name of the gentleman?—A. John A. Johnson was the first partner, and the second partner was John W. Dennis.

Q. This bill is for cards, letterheads, Ragland envelopes, re signs, dodgers, and cards, aggregating $23.60; that was for part the business of the firm; that is right, isn't it?—A. Yes; and wh these bills were paid they were paid by me; he was out of the business entirely.

Q. The bill of $10.50 is a bill of M. E. Montgomery Advertising Company against the National Claim and Advertising Company what was that for?—A. That was the name we gave it, the title that is, it was selected as a name, but there was no company to except myself and the people that assisted in the business.

Q. Who were they?—A. Well, Miss Van Dever worked in the and I had several other collectors hired at different times to solicit business. We never did much business there.

Q. You did business under the name of the Johnson & White Realty Company and the National Claim and Advertising Company?—A. No; the National Claim and Adjustment Company.
Q. "Adjt.," is it?—A. Yes.
Q. The National Claim and Adjustment Company, and you were also doing business under the partnership name of Johnson & White?—A. Johnson & White; that was the realty company, the first one.
Q. But you did business under that firm name?—A. Yes.
Q. And the bill of $11 of Henry L. George against Johnson & White was against the firm for firm business?—A. It fell to me to pay this.
Q. And the last bill of this number, another one made by the East Side Printing Company, is against the National Claim Adjustment Company for $25.55, and it is for envelopes, cards, large letterheads with name, small letterheads without name, large letterheads without name; letterheads, small size and second sheets; that is right, isn't it?—A. Yes; that is one of the bills that I paid for the business run under that name.
Q. When did you open an account with the First National Bank of O'Fallon, Ill.?—A. I opened an account there at the beginning of the session directly after I got my salary.
Q. Give it by the calendar?—A. I presume it was in February.
Q. That is what we want, as nearly as you can give it?—A. Shortly after I got my salary there.
Q. February, 1909?—A. Yes; February or March, somewhere along there.
Q. It was after you went to the legislature and commenced to draw?—A. Yes, sir.
Q. Now, you drew, you said, your salary and your mileage and your expenses; you said February, but you drew them in January and February, didn't you?—A. Yes, sir.
Q. You drew $800 the first installment that you drew from the State on account of your salary as a member of the house?—A. Now, I don't recall just exactly what the first installment was.
Q. Wasn't that the amount?—A. It was either $700 or $800, somewhere about that.
Q. Didn't you take that $800 to O'Fallon and deposit it in the First National Bank to your credit?—A. I am not positive about that.
Q. What is your best recollection?—A. I am not positive whether I did that or not.
Q. What is your best recollection?—A. I deposited the money there when I drew it.
Q. That money is what I am talking about.—A. It might have been that money I drew at that time, or possibly I had a deposit at the Third National Bank in St. Louis, also.
Q. You had an account in St. Louis, did you?—A. Yes, sir.
Q. In whose name was that account?—A. It was in my name.
Q. Individually?—A. Yes.
Q. In whose name was the account of the First National Bank of O'Fallon?—A. In my name.
Q. Individually?—A. Yes, sir.

Q. You drew the balance of your salary of $2,000, other than the $800 which you say you drew in January, or about that time, or February, didn't you, in 1909?—A. I stated that a few minutes ago I drew my salary I thought before the last of February; all of it; it was paid in two installments.

Q. Well, at the time the salary and mileage was paid, the total salary and mileage and extras that you drew in cash from the State of Illinois, as a member of the house of representatives, aggregated $2,192 or $2,193, didn't it?—A. I didn't figure it exactly.

Q. That is about it; I don't care exactly.—A. It was $2,000 salary and $50 for postage and stationery; and the mileage about $80—I think it was—as the expense account shows.

Q. Didn't you draw in cash from the State of Illinois an amount aggregating twenty-one hundred and ninety odd dollars between the time that you took your seat in the house of representatives at Springfield in the early part of January, 1909, and the latter part of February?—A. I would not say it was $2,190.

Q. Well, about that, isn't it?—A. Somewhere in that neighborhood; whatever that figures up.

Q. Now, you deposited the amounts that you got from the State for your salary, mileage, etc., to your credit in the bank, didn't you?—A. Yes, sir.

Q. All of it?—A. Not all of it; no, sir.

Q. What part of it?—A. I kept a good deal of it to pay incidental expenses. I took up some notes that I had given for campaign expenses.

Q. How much?—A. I think there was a note of $100, and there was another note of $50; and I think there was—let's see—a note of $100—$50 and a cash loan of $50 from one party—and a few small debts that way; I paid a printer's bill of $78 and something.

Q. When you tell about what the printer's bill was, won't you tell about what the printer's bill was; I don't care for the exact amount and give it rapidly, in round numbers?

Mr. AUSTRIAN. May I interrupt? Have you not the check here showing the amount you disbursed out of the First National and Third National banks there?

Judge HANECY. I don't care to go into all those amounts.

Mr. AUSTRIAN. You are driving him to tell; and here are the checks and bills.

Judge HANECY. If he says he can tell, and will give us approximately the amount, that is all there is to it.

The WITNESS. It was $78 and some cents; I am not positive as to the amount.

Senator BURROWS. That is sufficient—about $78?—A. Yes.

Judge HANECY. Did you deposit any of the money that you say you got from Browne there in Springfield about the latter part of the session, or the $100 or the $50 you say you got from Browne at the Briggs House in Chicago on the 16th of June, or the $800 you say you got from Browne on the 17th of June at the Briggs House, did you deposit any of those amounts to your account?—A. Not in the bank as a deposit; I left it out.

Q. Did you deposit any part of it in any bank to your credit?—A. No; not in any bank; I left it in a department store.

Senator BURROWS. That you have stated.

Judge HANECY. You don't know the name of the man you left that with?—A. I can find out for you; I don't recall it now, except Kirkpatrick was principally responsible for it.

Q. Did the man who took it from you, did he count it for you or did you count it for him, or did you simply hand him the package and ask him to keep it?—A. I counted it out in the presence of Mr. Kirkpatrick and marked on the envelope the amount, I think it was seven or eight hundred dollars, and handed it in at the window.

Q. Did you count it out or did you have the man that you deposited the money with count out that money before it was taken by him and put away?—A. No, no; I didn't have it counted by him.

Q. So that nobody but you and your associate and friend and Kirkpatrick knew what was in that envelope or the amount of it?—A. Well, the man at the cashier's window knew what was in it; that cash was in it, because we told him there were several hundred dollars.

Q. He didn't know anything about it except what you told him?—A. No; he handed me an envelope to put it in.

Q. The money you say you got from Wilson in St. Louis that you call your jack pot money, did you ever deposit any of that or any part of it in a bank to your credit?—A. No, sir.

Q. What did you do with that?—A. Kept it in my pocket when I was not spending it.

Q. What did you keep an account in the bank at St. Louis for?—A. I kept it there because it would be handy when we were in St. Louis at the time; we were in St. Louis often, and it was convenient to have money over there when you have got some money.

Q. We will take your word for that.—A. Yes, sir.

Q. Both of those accounts in the bank in St. Louis proper and in East St. Louis; no, in O'Fallon, were checking accounts, wern't they?—A. Yes, sir.

Q. Did you also have a bank account in East St. Louis?—A. No, sir.

Q. The only two that you had, or only ones you had was in O'Fallon and in St. Louis proper?—A. Yes, sir.

Q. But your business, what business you had individually and the business that you and your firm, the corporations and combinations were doing, was all done in St. Louis, East St. Louis?—A. Well, my business in East St. Louis——

Q. Did you have any business office or place of business in St. Louis proper?—A. No, sir.

Q. Or in O'Fallon?—A. No, sir.

Q. You and your firm were collectors; that is, you did a collection business under the Claim and Adjustment Company?—A. Yes; that was the intention of the firm to do collections; we did do some of it.

Q. You did?—A. Yes, sir.

Q. All the money you collected through that agency you took your commissions or percentages out of it?—A. Yes; there wasn't very much, though.

Q. Now, the receipt that you present here of $16.42 is made up of items of room, $10; pressing, $3.75; laundry, $2.68?—A. Yes, sir. That is the other items.

Q. Those are items other than those we have named, and the other receipt is a receipt for $18 for room rent?—A. That is the office there.

Q. This $18 for room rent is payable to William P. Launtz?—A. Yes, sir.

Q. Dated July 7, 1909, and the bill of A. D. Calkins is for $16.43, dated July 5, 1909?—A. Yes, sir.

Q. You were subpœnaed to come here, were you?—A. Yes, sir.

Q. And you told this honorable committee that you are now in custody of an officer and have been ever since the criminal court commenced proceedings?—A. Yes.

Q. That was some time last April, March or April?—A. Yes, sir.

Q. Where were you when you were subpœnaed by United States marshal or the representative of this honorable committee?—A. Where was I at? Do you mean the place?

Q. Yes; where were you at?—A. I was up in Mr. Austrian's office.

Q. Who took you there?—A. Why, an officer took me down there. That was Mr. ——.

Q. That is the state's attorney's officer?—A. Yes, sir.

Q. What was his name—what is his name, rather?—A. Mr. Okey.

Q. Officer Okey?—A. Yes, sir.

Q. Is he a regular police officer assigned by the police department to the state's attorney's office?—A. That is the way I understand it.

Q. Did you talk with State's Attorney Wayman before going there to Mr. Austrian's office to be subpœnaed?

Mr. AUSTRIAN. I object.

Judge HANECY. That is all.

Senator FRAZIER. What place in Tennessee did you visit when you say you went home?—A. Knoxville.

Q. Knoxville?—A. Yes, sir.

Q. Did you live there before you came to Illinois?—A. Yes, sir.

Q. Were you raised in Knoxville?—A. Yes, sir.

Q. Knoxville?—A. Yes, sir.

Q. What was your father's name?—A. J. A. White, known as Alex White.

Q. What was his business?—A. Been in the mercantile business a good many years, followed up that line of business.

Q. How old were you when you left home?—A. I left home three days after I was 21 years old.

Senator FRAZIER. That is all.

Senator BURROWS. That is all. Call the next.

D. W. HOLSTLAW, called as a witness herein, being first duly sworn on oath by Senator Burrows, was examined in chief by Mr. Austrian and testified as follows:

Mr. AUSTRIAN. What is your name?—A. D. W. Holstlaw.

Q. Will you talk up, please, so that the committee can hear you?—A. Yes, sir.

Mr. AUSTRIAN. Mr. Chairman, I have never seen the witness before, but I understand he has a voice that won't permit his talking loud. If you can not hear well at times, why it is no fault of the witness, I understand.

Senator BURROWS. You may move your chair up a little closer.

The WITNESS. Yes, I will move my chair up a little closer.

Senator BURROWS. You have a very good voice.

Mr. AUSTRIAN. What is your business, Mr. Holstlaw?—A. What business am I in now?

Q. Yes, sir.—A. Well, I am farming and stock buying.
Q. What was your business when you entered the legislature?—A. I was in the banking business.
Q. Where do you reside, by the way?—A. I live at Iuka, Marion County, Ill.
Q. How long had you been in the banking business?—A. About three years.
Q. And prior to that, what business were you in?—A. Farming and mercantile business.
Q. When were you elected to the legislature of the State of Illinois?—A. I was elected in 1808—1908, rather.
Q. That is, you became a member of the forty-sixth general assembly?—A. Yes, sir.
Q. On which side, Republican or Democratic?—A. Democratic.
Q. What house?—A. The forty-sixth.
Q. What, house, the senate or a branch of it?—A. The senate.
Q. Mr. Holstlaw, were you in attendance at the general assembly during the months of May and June, 1909?—A. Yes, sir.
Q. I mean up to the expiration of the session?—A. Yes, sir; I was.
Q. What branch, the senate?—A. The senate.
Q. Were you in attendance at the joint session?—A. Yes, sir.
Q. During the voting, at intervals, for United States Senator?—A. Yes, sir.
Q. Mr. Holstlaw, on May 26, 1909, whom did you vote for for United States Senator?—A. I voted for William Lorimer.
Q. You were there in the joint session that day, then?—A. Yes, sir.
Q. Before voting for William Lorimer on the 26th of May, 1909, was there anything said to you by anyone about paying you for voting for Mr. Lorimer?—A. On the night before the 26th, which was the 25th, Mr. Broderick and I were talking and Mr. Broderick said to me, he said, "We are going to elect Mr. Lorimer to-morrow, aren't we?" I told him, "Yes, I thought we were," and that I intended to vote for him.
Q. Proceed.—A. And he said—he says "There is $2,500 for you."
Senator BURROWS. Said what?
A. Said "There is $2,500 for you."
Mr. AUSTRIAN. Where was that conversation?—A. It was at the St. Nick Hotel, on the outside of the building.
Q. What night, the night before the vote for Lorimer was taken on the 26th?—A. Yes, sir; on the night before.
Q. What Broderick do you refer to?—A. I refer to Senator Broderick.
Q. John Broderick?—A. Yes, sir.
Q. The senator?—A. Yes, sir.
Q. A Democrat?—A. Yes, sir.
Q. From Cook County, isn't he?—A. Yes, sir.
Q. Did you tell Mr. Broderick at the time you had the conversation with him that you would vote for Senator Lorimer?
Judge HANECY. I submit he has answered that. Before he told him he would get any money at all he said he was going to vote for Mr. Lorimer.
Mr. AUSTRIAN. Just a minute. If there is any objection——
Senator BURROWS. The witness has said that he would vote for Lorimer.

Mr. AUSTRIAN. Pursuant to that talk did you vote for Senator Lorimer, the next day?

A. Did I vote for him the next day?

Q. Yes. That is, you voted for him——

Senator BURROWS. The committee would like to know what you mean by "pursuant to that talk."

Mr. AUSTRIAN. I mean after the talk.

Senator BURROWS. After the talk?

Mr. AUSTRIAN. Yes.

Senator BURROWS. You did not mean in pursuance to that, that there was $2,500 waiting for him?

Mr. AUSTRIAN. That is for you to conclude from the evidence. That is a conclusion you are to reach from the evidence.

Senator BURROWS. I would like to know what the witness understands.

A. No, sir; I intended to vote for him anyway. I had made up my mind to vote for him before.

Senator BURROWS. Before this conversation was had at all?

A. Yes.

Q. You had made up your mind?—A. I had made up my mind. I did not know that there was anything in it.

Mr. AUSTRIAN. How long before the conversation with Broderick, in which you were paid $2,500, did you intend to vote for him?

Senator BURROWS. I beg your pardon. You said "in which you were paid $2,500?"

Mr. AUSTRIAN. You were promised——

Senator BURROWS. It makes a great deal of difference between being paid and promised.

Mr. AUSTRIAN. Now, read the question.

(Question read as follows:)

Q. How long before the conversation with Broderick, in which you were promised $2,500, did you intend to vote for him?

A. I do not remember just how long, but some two or three days before that.

Q. When Broderick offered to pay you the $2,500, the conversation on the night of May 25, 1909, did you tell him that you would not——

Judge HANECY. I object.

Senator PAYNTER. I would like to get the witness's statement without counsel assuming.

Mr. AUSTRIAN. Well, strike out the question.

The WITNESS. He did not offer me anything. After I told him I was going to vote for him he just simply said that there was $2,500 in it for me, and that is all there was about it.

Senator FRAZIER. What did you reply to that, when he said that there was $2,500 in it for you?—A. I didn't say a word; never said a word.

Mr. AUSTRIAN. Did you come and get the $2,500?—A. Not at that time.

Q. When did you get that?

Senator BURROWS. That doesn't appear.

Mr. AUSTRIAN. I am asking him.

Senator BURROWS. You were asking——

Judge HANECY. He assumes something.

Mr. AUSTRIAN. Put it this way——

Q. Were you paid $2,500 by Broderick?—A. Yes, sir.

Q. Where?—A. In Chicago, in his office.

Q. Whereabouts was his office that you went to?—A. I don't emember; it was his place of business, where he had his saloon.

Judge HANECY. In his saloon?—A. Yes, sir; in his saloon; but it vas in the office there that it was paid; in an office that he had.

Mr. AUSTRIAN. Now, Mr. Holstlaw, when you received the $2,500, lid you have any conversation with Broderick?—A. I did not.

Q. Did he say anything to you when he handed it to you?—A. He ust simply says, "Here is that money;" that is all.

Senator GAMBLE. What was the date of that?

Mr. AUSTRIAN. What date was it?—A. I think it was about June 6, if I remember rightly; I think it was.

Q. Had you ever had any business dealings with Mr. Broderick efore?—A. No, sir.

Q. Was Broderick indebted to you?—A. Not at all.

Q. What did you do with the money?—A. I took it and put it n the bank.

Q. What bank?—A. In the First National Bank.

Q. Do you mean the First National Bank or the State Bank of Chicago, which?—A. I believe it is the State Bank of Chicago—ardon me, I believe it was.

Q. The State Bank of Chicago?—A. Yes, sir.

Q. Now, Mr. Holtslaw, did you consider when Mr. Broderick gave ou the $2,500 that he was indebted to you and under any obligation o give it to you?

Judge HANECY. That is objected to, Mr. Chairman, giving now the ondition of his mind then, or giving what he thinks now was the ondition of his mind then.

Senator BURROWS. I do not think that is a proper question. Objection sustained.

Mr. AUSTRIAN. Mr. Holtslaw, when Broderick gave you the $2,500 hat did you think he was giving it to you for?

Judge HANECY. That is objected to, Mr. Chairman.

Senator BURROWS. Objection sustained.

Mr. AUSTRIAN. Did you know what Mr. Broderick was paying you he $2,500 for when he paid it to you?

Judge HANECY. That is objected to, Mr. Chairman; whatever he ay think now that he knew then is not at all material. He said hat he said nothing when they told him—if I may be permitted to uggest, Mr. Chairman and gentlemen, this witness here is not on rial. If he was on trial, then he might be asked and might be comelled to answer, so far as the power existed to compel him to answer, what his motive was, for the purpose of showing the intent or notive or design, or any criminal motive, intent, or design, of what is motive was in taking a gift, as he says, and it can not be introluced here for the purpose of attributing an improper motive to omebody who had nothing to do with this man at all, and that is the nly purpose for which it is offered here, and it is the only purpose or which it could come in.

Senator BURROWS. I think, Judge, we will allow that answer to be ut in; let the witness tell the facts, what was said. It is a question

for the committee to determine the purpose for which it was given
Read the question.

(Question read by an unofficial reporter, as follows: "Mr. Holst
law, when Mr. Broderick gave you the $2,500 what did you think h
was giving it to you for?" Which was not the last question asked
nor the question requested to be read, said reporter attempting t
take part in the proceedings, contrary to any authority and contrar
to express instructions theretofore given by the chairman of the com
mittee not to do so.)

Senator GAMBLE. I wish to offer a suggestion. Let the witnes
give the full facts; then let the committee determine.

Judge HANECY. This witness is indicted in Sangamon County no
for this transaction, and Mr. Burke has come up here and is sittin
here specially now——

Senator BURROWS. Now, Judge——

Judge HANECY. I want to show that this man was compelled to te
his story in Springfield.

Senator GAMBLE. I think the suggestion by a member of the com
mittee that the witness tell the facts is a good one.

The WITNESS. That is what I want to do.

Senator BURROWS. The committee thinks so.

Q. Have you stated all you desire to state on that question?—A
Do you want me to answer the last question that was asked me?

Senator BURROWS. The gentleman asked you if you knew what M
Broderick was paying the $2,500 to you for.

Mr. AUSTRIAN. I withdraw the question.

Q. What did he pay you the $2,500 for?

Judge HANECY. I submit, that is the same thing by a process o
indirection.—A. Shall I aswer the question?

Senator BURROWS. Objection overruled. You may answer that.

The WITNESS. I supposed he was paying it to me because he ha
told me that he would give it to me after my having said I was goin
to vote for Mr. Lorimer, and I supposed that he paid it to me fo
that.

Mr. AUSTRIAN. Mr. Holstlaw, prior to this talk that you had wit
Mr. Broderick, the night of May 25, 1909, had you ever voted durin
that deadlock for Senator Lorimer?—A. No; I never had before tha

Q. Did Mr. Broderick ever pay to you any other money?—A. N
at that time.

Q. Thereafter?—A. Yes, sir.

Q. How much?—A. Seven hundred dollars.

Q. What did he pay you that for?—A. I don't know, because
didn't ask any questions. He simply said that there was that muc
coming to me, and I took it [laughter in the room].

Q. What did you do with the money?—A. I suppose I took
home; I don't remember where I did place it, but I think I took
home and deposited it in the bank at home.

Q. Your bank?—A. Yes, sir.

Q. Was Mr. Broderick indebted to you in any sum whatsoev
when he paid you the $700.—A. Not at all.

Q. How many banks did you own at that time?—A. Just one.

Q. Where?—A. Well, I was interested in another one, too, but
owned one at Iuka, and I was interested in another at Salem, t
Salem National Bank.

Q. You were brought up here by the sergeant-at-arms, weren't ou?—A. This time?

Q. Yes.—A. No, sir; no, sir; I came alone.

Q. I mean you were subpœnaed?—A. Oh, I was subpœnaed; yes, ir.

Q. At your home town?—A. Yes, sir.

Mr. AUSTRIAN. That is all. Well, just a moment——

Senator PAYNTER. I just want to ask a question.

Mr. AUSTRIAN. I have just a few more questions, if I may finish ow.

Senator PAYNTER. Certainly.

Mr. AUSTRIAN. This $2,500 and the $700 that you had referred were both paid you in cash, or by check or how?—A. In cash.

Q. Do you remember the denomination of the bills making up ie $2,500?—A. Most of them were $100 bills. I am not sure whether ney were all or not, but most of them were.

Q. How many times had you ever been to John Broderick's saloon r office that you have referred to?—A. Twice.

Q. Are those the two occasions that you have referred to on which ioney was paid?—A. Yes, sir.

Q. Mr. Holstlaw, who fixed the time for you to come to Mr. Brod-rick's saloon, if anyone?—A. I think Mr. Broderick did. I think he rote to me; that is my recollection.

Q. On one or both of the occasions in question?—A. I am not posi-ve, but I think on both occasions. I know he did the first time, ut I am not positive about the second time.

Q. Can you fix approximately the date of the payment of the cond sum in question, the $700?—A. Well, I don't know that I can, ut it seems to me that it was some time in July, but I am not positive out that.

Q. The first date you are quite positive about, are you not?—A. es, sir; I am.

Q. And that was the 16th day of June?—A. I think it was either ie 16th or the 17th.

Q. Did you deposit the money in the First National Bank in your vn name?—A. No, sir; in the name of my bank.

Q. What was the name of that bank?—A. The Holstlaw Bank.

Q. The Holstlaw Bank of Iuka?—A. The Holstlaw Bank is the ime of it.

Q. You deposited it in the bank the same day that you were paid Broderick?—A. Yes, sir.

Q. Is that correct?—A. Yes, sir.

Q. Did you make any other deposit on that day?—A. No, sir; I d not.

Q. Just the $2,500?—A. That is all.

Mr. AUSTRIAN. That is all.

Senator PAYNTER. Was the senatorial election mentioned in that nversation between you and Mr. Broderick at the time you say he aid you the $2,500?—A. It was not.

Q. Was Mr. Lorimer's name mentioned?—A. He simply said to e, "We are going to elect Lorimer to-morrow——"

Q. I am not asking you about the first conversation, but at the me the $2,500 was paid?—A. No, sir.

Q. Lorimer's name was not mentioned?—A. No, sir.
Q. Nor the senatorial election?—A. No, sir.
Q. He just handed you $2,500?—A. He just handed it to me. I think he took it out of his office; he had it in an envelope and jus counted it out and then handed it to me, and there was nothing said
Senator BURROWS. No explanation?—A. No explanation at all, n explanation at all.
Senator JOHNSTON. What induced you to vote for Senator Lori mer?—A. What induced me?
Q. Yes.—A. Well, in the first place, we had tried so long to elec a Democrat, and we could not do it, and we thought, in fact, tha it would make the breach wider in the Republican party by electin a Republican, as we could not elect a Democrat; and I naturally like Mr. Lorimer, and I just made up my mind to vote for him.
Senator PAYNTER. Is it true that Democratic members of the legis lature were given two or three positions down there in Springfield?- A. How is that?
Senator PAYNTER. Is it true that the Democratic members of th legislature were given two or three positions for their friends dow at Springfield?—A. That I don't know anything about.
Senator PAYNTER. I wanted to find out what the custom was her I have been badly treated at Washington if that is the custor [Laughter.]
Senator GAMBLE. Have you stated all of the conversation betwee you and Broderick that occurred between you at Springfield whe this conversation which you have just detailed was had—was the anything else said in regard to your vote in the immediate transa tion?—A. Well, I do not remember that there was anything else. H just simply said to me, as I told you before—he says, "We are goi to elect Mr. Broderick to-morrow"——
Senator BURROWS. You mean Lorimer?—A. Yes; and I told hi we was. "Well," I says, "I am going to vote for him," and he sai "Well, there is twenty-five hundred dollars for you." I don't reme ber whether he said, "If you vote for him," or whether that was a but if he did say it, why that was everything that was said.
Mr. AUSTRIAN. May I just ask a question?
Senator BURROWS. Yes.
Mr. AUSTRIAN. Mr. Holstlaw, you have made a written stateme of your conversation with him on the 28th of May, 1910, did you? A. Yes, sir.
Q. Your memory as to the transaction in question was as good th as it is now, wasn't it?—A. I suppose so.
Q. Will you read the statement you made on May 28, 1910, whi purports to be signed by you, and tell the committee whether th is your written statement made on that day?
Judge HANECY. I submit, Mr. Chairman, that I be permitted show that the statement was made after he was indicted, after he w called before the grand jury in Sangamon County as a witness in re tion to another matter entirely and in no way connected with th and that he told the State's attorney and told the grand jury— was called there as a witness, and he told them that he did not kn anything about this transaction against Lorimer, the bribery anything else, and he did not know anything about the other tra

tion that he was being examined on before that grand jury and at he was then allowed to go, and then certain lawyers——

Mr. AUSTRIAN. There is nothing of that in evidence at all.

Judge HANECY. Before it is permitted to go in, Mr. Chairman and ntlemen, I submit I ought to be permitted to show——

Mr. AUSTRIAN. I have not offered it yet.

Judge HANECY (continuing). I ought to be permitted to show at it was signed by duress, and just as soon as he signed this state- ent, that he was indicted after he left the grand jury for perjury.

Senator HEYBURN. I suggest that that is a matter for cross-exami- ation.

Judge HANECY. If I am permitted to look at the record——

Senator GAMBLE. The rule is, if the witness is defective in his recol- ction, and himself asks to look at a memorandum in order to re- esh his recollection, then he may be permitted to do it.

Judge HANECY. Unless it is asked for he can not be asked by coun- l to do it.

Senator HEYBURN. If the document is offered, it may be deferred ntil your cross-examination is finished.

Senator HEYBURN. Just a minute, please.

Senator PAYNTER. Is it offered for the purpose of contradicting mething he said?

Mr. AUSTRIAN. Yes; that is the purpose. The witness upon the and——

Judge HANECY. Now, I submit this is not proper.

Mr. AUSTRIAN. I submit it is proper, and I have the books here to ow that it is proper, Judge Hanecy. It is important whether or t this man received the $2,500 as he says gratuitously.

Senator BURROWS. Let him answer the question.

Mr. AUSTRIAN. Read the question.

(Question read.)

Mr. AUSTRIAN. This is your written statement?—A. Yes, sir.

Q. Was it true at the time you wrote it, and is it still true?

Judge HANECY. It is offered, counsel says, to impeach the witness tat he has put upon the stand, and has said in doing so that he is titled to full faith and credit, and his honesty and credibility in at he said may be taken as true, and he can not be heard in any urt or in any judicial or other proceeding——

The WITNESS. I think it was just the same as I gave it a little while o, isn't it?

Senator BURROWS. There is no controversy about it. The witness ay answer the question; then if there is any inquiry as to the cir- mstances under which he made the statement, that is proper.

Mr. AUSTRIAN. Read the question.

(Question read.)

Mr. AUSTRIAN. Where I say, "wrote it," Mr. Reporter, make it igned it." He could not write it; it is written on the typewriter.

The WITNESS. This is true, as I remember it, and this is just as I ve it a little while ago, just as good as I possibly could.

Senator BURROWS. Will you read what it is?—A. Yes [reading]. "Who talked to you on the subject, and what was said?"

Judge HANECY. If he is going to read, that puts it in the record, en.

The WITNESS [reading]. "He said to me, 'Lorimer is going to be elected to-morrow,' and he said, 'There is $2,500 for you if you want to vote that way.'" Now, that is what I have said here.

Mr. AUSTRIAN. Read on, please.

The WITNESS [reading]. "And the next morning I voted for him."

Senator PAYNTER. I want to ask you a legal question, Mr. Austrian, a question on the law.

Mr. AUSTRIAN. All right.

Senator PAYNTER. Suppose the witness has made a statement contrary to the one which he just testified to.

Mr. AUSTRIAN. Yes.

Senator PAYNTER. Do you contend that statement, if proven, or if permitted to be proven, would be testimony to establish that the first statement was the true statement?

Mr. AUSTRIAN. That question does not arise. I do contend that I have a right to cross-examine, even though I called him to the witness stand, as I have here. I could ask him, "Wasn't this question put to you and didn't you make this answer?" even though I call him to the witness chair. I could ask him that, because he testifies contrary now, or not as he did in his written statement. If you will let me read you a line——

Senator PAYNTER. I am familiar with the law, perfectly.

Mr. AUSTRIAN. Well, that is all I desire.

Senator BURROWS. Go on and show the witness the statement.

Senator PAYNTER. It is the universal rule of Kentucky that it can not be introduced as substantive testimony of what he said on some other case to affect his testimony in this case.

Mr. AUSTRIAN. That is your recollection and understanding of the transaction now, as you have just read it?—A. That is as I read it.

Mr. AUSTRIAN. That is all.

The WITNESS. That is as I remember that I said it a while ago, is just the same thing as I have said it now, what I said is the same as it is here, as well as I remember.

Mr. AUSTRIAN. Very well, sir.

Senator BURROWS. Is that all?

Mr. AUSTRIAN. Yes, sir.

Cross-examination by JUDGE HANECY:

Q. Mr. Holstlaw, do you know Mr. J. C. Utterbach, editor of the Marion County Republican, at Salem, Ill.?—A. Yes, sir.

Q. Did you have a talk with him about a week or ten days before Senator Lorimer was elected?—A. Now, I don't remember whether I did or not.

Q. Do you remember whether you had a conversation with Mr. Utterbach before Senator Lorimer was elected?—A. No; I don't remember whether I did or not.

Q. Didn't you have a conversation with Mr. J. C. Utterbach, editor of the Marion County Republican, of Salem, Ill., and didn't you say to him, ten days or two weeks prior to the election of Senator Lorimer, didn't you say to him that you were going to vote for Mr. Lorimer for Senator?—A. I don't remember if I did with him or not, but I know I did to another editor down there, that I intended to vote for Mr. Lorimer, but I don't remember whether I did to Mr. Utterbach or not, that I am not positive about.

Q. What was that man's name, Mr. Holstlaw?—A. Mr. Lewis.
Q. Lewis?—A. Yes, sir.
Q. What is his full name?—A. J. B. Lewis.
Q. What paper is he editor of?—A. The Democrat.
Q. What town?—A. Salem.
Q. When did you tell Mr. Lewis that?—A. That I was going to
)te——
Q. That you were going to vote for Mr. Lorimer for Senator?—A.
don't know how long before, but it must have been two or three
eeks.
Q. Two or three weeks?—A. Two or three weeks before that.
Q. Two or three weeks before Senator Lorimer was elected?—A.
es, sir.
Q. Do you know J. J. Bell?—A. Yes, sir; of Salem.
Q. What is that?—A. Salem.
Q. He is vice-president of the bank there, isn't he?—A. Yes, sir.
Mr. Austrian. May I get that name, please?
Judge Hanecy. J. J. Bell.
Q. Did you tell him two or three weeks before you voted for Sen-
or Lorimer on the 26th of May, 1909, that you were going to vote
r him?—A. I remember telling him that I thought that I would
te for some good Republican, but I do not remember whether I
id Lorimer; I don't remember about that.
Q. Did you think there was any other man that was before the
gislature, or likely to be, for the office of Senator of the United
ates, that you thought was a better Republican than Senator
rimer?—A. No, sir; I don't think so.
Q. And you think you might have told him then two or three
eks before Senator Lorimer was elected, that you would vote for
n?
Senator Burrows. He has stated that.
The Witness. Well, yes; I know it was some time before.
Judge Hanecy. How many others did you tell, Mr. Holstlaw,
n Mr. Bell and Mr. Broderick, or Mr. Lewis and Mr. Broderick,
t you were going to vote for Mr. Lorimer for United States
nator?—A. I don't remember.
Q. Well, you told a number, didn't you?—A. Yes, I told several,
t I don't remember who they were, and that is the reason I don't
member about Mr. Utterbach. I believe I talked to him, but I
n't remember whether I told him I would vote for Mr. Lorimer or
t. That part of it I don't remember; I do remember of talking
Mr. Utterbach.
Q. And you told quite a number of people, two or three or four
eks before Senator Lorimer was elected, that you were going to
e for Senator Lorimer for United States Senator, didn't you?—
Yes, sir; I done that.
Q. It was no secret to you?—A. No, sir.
Q. You told that to anybody you talked with, didn't you?—A.
s, sir.
Q. You told it to members of the senate and members of the house
Springfield a number of days before you did vote for Mr. Lorimer,
l that you were going to vote for him if his name was presented,
n't you?—A. Well, I don't remember whether I told any members

of the house or the senate members. I don't remember about that positively.

Q. I beg your pardon. If you talked to members of the house or the senate about that——

A. (continuing). But I think that I did. That is my judgment now, and my recollection now that I did tell some of them, but I don't remember who I did tell, because I know several of us were talking about it; I don't remember who they were.

Q. You heard a large number of members of the house and the senate at Springfield, both Republicans and Democrats, say a number of weeks before Senator Lorimer was voted for United States Senator on the 26th of May, 1909, that they would vote for Mr. Lorimer for United States Senator if he was a candidate or if his name was presented to the joint assembly, the joint session.

Mr. AUSTRIAN. Just a minute. Does the committee think it is proper, a proper way to put a question to the witness?

Judge HANECY. May I suggest the important purpose is to show that it was common talk——

Mr. AUSTRIAN. Not what the purpose was, counsel is testifying now.

Judge HANECY. I am cross-examining your witness, Mr. Austrian.

Mr. AUSTRIAN. He is no more my witness than he is your witness; he is the committee's witness.

Senator FRAZIER. He is not the witness of either of you.

Mr. AUSTRIAN. I never spoke to the man in my life.

Judge HANECY. May I state what took place, and that will settle the question——

Senator GAMBLE. I think not.

Judge HANECY. Senator Frazier was not here at that time.

Senator FRAZIER. I have gone over the record and I am entirely familiar with it.

Judge HANECY. I want to show that it was common talk, before he was elected United States Senator and a long time before Senator Lorimer permitted his name to be used, that it was common talk that if his name was presented that they would vote for him.

Mr. AUSTRIAN. I think counsel ought not to frame a question like that.

Judge HANECY. Very well, I will withdraw the question.

Senator BURROWS. Very well, you had better withdraw the question.

Judge HANECY. I do.

Q. Mr. Holstlaw, you did tell a number there other than those who have been named here, several weeks, two or three or four weeks before the 26th of May, 1909, that if Senator Lorimer's name was presented they would vote for him for United States Senator, if his name was presented for Senator they would vote for him.

Mr. AUSTRIAN. I object.

Senator BURROWS. He has stated, as I understand——

Mr. AUSTRIAN. He said he didn't remember telling.

Judge HANECY. What?

Mr. AUSTRIAN. He said he didn't remember telling them that.

Judge HANECY. He said, "I think I did," to me, not to Utterback alone, but to a considerable others than those who are named.

Senator HEYBURN. I think he answered.

The WITNESS. I think I have.
Judge HANECY. That is all that I desire, if he has answered.
Senator BURROWS. You have so stated, have you not?—A. Yes.
Senator BURROWS. I thought so.
Judge HANECY. Senator Holstlaw, do you know Mr. D. B. Beaver, resident of the village board of Iuka?—A. B. N. Beaver?
Q. B. N.—A. B. N. Beaver.
Q. You know him?—A. Yes, sir; I am quite well acquainted with im.
Q. Did he go to you about a month before Senator Lorimer was ected and ask you to vote for Senator Hopkins for United States enator, and did you tell him you could not do it, as you were oing to vote for Lorimer whenever the time came if his name was esented?—A. I don't remember of having told him that.
Q. Did you have that conversation, or that in substance, with r. Beaver?—A. I hardly think so. I don't remember of it, at least.
Q. Mr. Holstlaw, how many times were you ever in the saloon of ohn Broderick in Chicago?—A. Twice.
Q. What is that?—A. Twice.
Q. When was the first time?—A. About the 16th of June.
Q. What time of day was that?—A. It was sometime in the fore-oon.
Q. And when the other time?—A. Well, that was in the forenoon, ut I don't remember the date, but think it was in July sometime.
Q. Sometime in July?—A. I think so; yes, sir.
Judge HANECY. There may be one or two or a few questions, Mr. Chairman and gentlemen, that I may want to ask this witness later, ut I probably will not.
Senator BURROWS. He may be recalled if you desire.
Judge HANECY. I think I am through, if I may reserve the right t recall him.

Redirect examination by Mr. AUSTRIAN:

Q. Mr. Holstlaw, had you told anyone prior to the time that you t d Mr. Broderick, the night before Lorimer was elected—by anyone, I mean any one of the legislature or anyone else—that you were going t vote for Mr. Lorimer for United States Senator?—A. Why, I t nk I had sometime before.
Q. Who?—A. Well, as I think I said I told before, I think I told M. Lewis that if an opportunity presented itself, I would vote for M. Lorimer, as we could not elect a Democrat.
Q. How long before?—A. How long before was it?
Q. Yes.—A. Well, it must have been two or three weeks.
Q. Didn't you state on direct examination that you had made u your mind to vote for Mr. Lorimer three or four days before your t k with Broderick?
Judge HANECY. May I invoke the objection that the learned gentle-n on the other side invoked, and was sustained on yesterday, and e record will disclose it, and I will state that it is not proper to : him.
Mr. AUSTRIAN. I am trying to find out.
Senator BURROWS. The committee thinks the question may be put. ad the question.
(Question read.)
A. I think I stated that.

Senator BURROWS. You think you so stated?—A. I think I did.

Mr. AUSTRIAN. Did you tell Lewis, Bell, or Utterbach, Mr. Holstlaw, that you intended to vote for Mr. Lorimer or for some good Republican, if the occasion presented itself?—A. Well, I think I did sometime before that.

Q. You told them you intended to vote for Mr. Lorimer, or for some good Republican, if the occasion presented—which did you tell them?—A. Well, I think I told some of them that I was going to vote for some Republican if the opportunity presented itself, and I think I told some of them at the time that I would vote for Lorimer.

Q. Who advised you that the time had come?—A. No one at all.

Q. But you had the talk with Broderick for the first time on the 25th day of May, did you?—A. Yes, sir.

Q. Did you know whether anyone was being paid to vote for Mr. Lorimer?—A. I did not.

Judge HANECY. I object.

Senator BURROWS. He has answered "I did not," Judge.

Judge HANECY. Yes; he has. That is better than the objection and having it sustained.

Senator BURROWS. Yes; and it is much quicker, and we get along faster.

Mr. AUSTRIAN. Were there any rumors in the senate on the 26th—the 25th and 26th of May, or any discussions in the senate on the 25th and 26th of May, with reference to money being paid to buy votes for Senator Lorimer?

Judge HANECY. That I object to, Mr. Chairman.

Senator BURROWS. Objection sustained. The committee does not care for rumors; we want facts.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator FRAZIER. May I ask the witness a question?

Senator BURROWS. Certainly; every member of the committee is privileged to ask questions.

Senator FRAZIER. Who first approached you with respect to voting for Mr. Lorimer?—A. Who first approached me?

Q. Yes.—A. Mr. Broderick is the first man who said anything to me about it—well, it was there at Springfield—I had spoken to others before, as I said before, if the time presented itself or had come.

Q. No one had suggested to you the name of Mr. Lorimer at all?—A. No, sir.

Q. Up to the time of this conversation with Mr. Broderick?—A. No, sir.

Q. What were the circumstances surrounding that conversation? How did you happen to get with Mr. Broderick and begin talking about it?—A. Really I don't know how it happened. I just simply met him out in front of the St. Nick Hotel.

Q. Day or night?—A. We were quite good friends, you know.

Q. Day or night?—A. It was in the evening; it was quite early.

Q. How did the conversation begin?—A. I think it began just as I told you. Mr. Broderick said, "We are going to elect Mr. Lorimer to-morrow, aren't we?" And I said, "I think so; and I am going to vote for him." I think that is the way it commenced.

Q. Had Mr. Lorimer's name prior to that time been presented to he joint session?—A. No.

Q. Had he been a candidate, or had he been voted for at all?—. No.

Q. Did you know that his name was going to be presented or oted for the next day until Mr. Broderick told you?—A. Well, I on't know whether I did or not. I probably did know it, but I on't remember about that. I think that I knew that his name was oing to be presented, but I don't remember.

Q. How did you learn that?—A. Well, that I don't remember; ust simply hearing some of them talking about it.

Q. Who are some of them that you heard talking about it?—A. Vell, I do not remember who any of them were, because there were o many of us together. I do not remember who spoke about it.

Q. You had heard some one say that Mr. Lorimer's name would be resented to the joint assembly the next day?—A. I think I had.

Q. And you had made up your mind that you were going to vote or him?—A. Yes; I had already made up my mind, if his name was resented, I would vote for him; then, of course, I made up my mind would vote for him.

Q. When this was suggested to you by Mr. Broderick you told im you were going to vote for him?—A. Yes.

Q. That was before he said that there was $2,500 in it for you?—. Yes, sir.

Q. Did you make no reply at all to the $2,500 proposition?—A. I id not.

Q. There was nothing further said at all?—A. No, sir; there was othing further said. I don't think I said a word to him further.

Q. Did you ask him for an explanation at all?—A. No, sir; I d not.

Q. You did not ask where it come from?—A. No, sir.

Q. Or who was offering the money?—A. No, sir.

Q. Or what it was to be paid for?—A. No, sir.

Q. You made no inquiry whatever?—A. No, sir; I made no in- uiry whatever.

Q. When the roll was called the next day you did vote for Mr. orimer?—A. I did vote for Mr. Lorimer.

Q. Did you have any other conversation with Mr. Broderick or nybody else with respect to your vote for Mr. Lorimer from that ne on until you came to Mr. Broderick's saloon here in Chicago?—A. No; I think not.

Q. You didn't talk to anybody about it?—A. No, sir; I don't think did. I did not with respect to my vote.

Judge HANECY. Is that all?

Senator FRAZIER:

Q. Just a minute. You say you came to Mr. Broderick's saloon the time you received the $2,500, or in response to a letter which he ote you?—A. Yes, sir.

Q. Has that letter been put in evidence, does anybody know?

Judge HANECY. We never heard of it until now, on our side.

Senator FRAZIER. Have you the letter?

The WITNESS. I think, perhaps, I may have it at home, but I have t got it here.

Senator FRAZIER. May I be permitted to ask if there was any statement in that letter—the letter not being here—if there was any statement in that letter as to the business upon which he wanted to see you?—A. No; there was nothing in it. My best recollection is that he told me to meet him at his place of business some time the next week. I think that that was about all in the letter.

Q. What was the date of the letter, do you recollect?—A. No, sir; I don't remember the date.

Q. You came to Chicago in response to that letter?—A. Yes, sir.

Q. You went directly to Mr. Broderick's saloon?—A. Yes, sir.

Q. Did you meet him there?—A. He was not there at the time.

Q. Had you notified him before coming that you were going to come?—A. I think not.

Q. On that particular day?—A. No, sir; I don't think I did.

Q. When you saw him, what did he say and what did you say?—A. He did not say—well, of course, we greeted each other, and he said "Come in my office," and we just stepped in.

Q. Was there anyone else there except you and Mr. Broderick?—A. Not in the office; no, sir.

Q. Well, what occurred?—A. Well, he handed me $2,500.

Q. Did he count it out to you?—A. Yes, sir; he counted it.

Q. Did you count it?—A. I did not take hold of the money, but I just run over it as he did.

Q. What did he say?—A. He said, "There is that $2,500."

Q. There is that $2,500?—A. Yes, sir.

Q. Did you make any response at all?—A. I didn't say anything at all.

Q. Just took the money?—A. Just took the money.

Q. What did you do with it?—A. I took it and put it in the bank

Q. Did Mr. Broderick owe you anything at that time?—A. No, sir

Q. Did you have any claim upon Mr. Broderick in any respect o not?—A. No, sir; I did not.

Q. Had you ever been into any negotiations with Mr. Broderic by which he would be responsible to pay you $2,500?—A. No.

Q. The only occasion you had—the only connection you ever ha with Mr. Broderick about the $2,500 was the conversation you ha with him on the night of the 25th?—A. That is all.

Q. Before you voted for Mr. Lorimer?—A. Yes, sir.

Q. And then when he actually paid out the $2,500?—A. Yes.

Q. And it was a strictly shut-mouth business between you an Broderick?—A. Yes, sir.

Q. And you got the money?—A. Yes.

Q. And kept it?—A. Yes, sir.

Judge HANECY. May I say in relation to a matter asked about b Senator Frazier that there is evidence here, I think some place, tha somebody did vote for Senator Lorimer—Senator McIllvaine or som others, some considerable time before he was elected. His name wa before the Senate. Senator McIllvaine, or some others, some co siderable time before he was elected—before Lorimer was elected—di vote for Mr. Lorimer for United States Senator some considerab time before the time we are speaking of.

Mr. AUSTRIAN. The exact date is May 13.

Senator HEYBURN. It is given in the memorandum?

Mr. AUSTRIAN. I don't know just as to that.

Senator BURROWS. We have it in the record.

The WITNESS. That may be. I don't remember anybody having voted for him.

Mr. AUSTRIAN. It was the sixth time—the fifth time.

Judge HANECY. The deep-waterway question of voting a $20,000,000 bond for the deep-waterway proposition was a very live and active question before the two houses of the legislature at that time.

Mr. AUSTRIAN. I object.

Judge HANECY. I want to show, Mr. Chairman——

Mr. AUSTRIAN. Just a minute, now.

Judge HANECY. Senator Lorimer was interested in the legislation, the matter before the state legislature, both houses of it at that session, the legislature at which he was elected Senator and was interested there in that question, as to whether or not the legislature would vote to expend $20,000,000 for the deep waterway, or for a power plant—the measure that the people had voted for at a preceding election, and that Mr. Lorimer was there, and that he did not spring up as an unknown quantity before the members of the legislature or of the joint session, but he was there and actively supporting certain measures that he and his friends were interested in.

Senator GAMBLE. Now, would it be relevant at this time, as far as his testimony, the testimony of this witness is concerned, if his testimony is to be believed, he said he had made up his mind prior to his transaction to vote for Senator Lorimer. Now, is there any reason why? I do not think that if he had made up his mind—it would not matter what were the grounds.

Judge HANECY. I think that is right. I think that answers it, except for what I thought was the assumption on the part of Mr. Senator Frazier, that Senator Lorimer's name came that very day for the first time to the joint session or to the men who composed it.

Senator BURROWS. The record will show that he was voted for previous to that day.

Mr. AUSTRIAN. The 13th.

Judge HANECY. That is all, Senator, that I desire to show is that he was voted for, and he was there in that legislature, interested in the legislation that so many men throughout the State were interested in at that time.

Senator PAYNTER. Judge Hanecy, I do not know what views the members of the committee have upon this question, but so far as I am concerned I have approached the hearing in this case with the presumption, or indulging in the presumption, that the members of the legislature who voted for Senator Lorimer did not do it as a result of bribery or corrupt practices. It looks to me as though they are all entitled to that presumption or to such a presumption as that until the contrary is shown.

Mr. AUSTRIAN. That is the presumption that the law gives them.

Senator PAYNTER. Certainly.

Mr. AUSTRIAN. Yes.

Senator PAYNTER. And that is one reason why I do not think that testimony which tends to show that there were reasons why some members who not under suspicion were influenced to vote for Senator Lorimer. I think he is entitled to it and the members of the legislature are entitled to such a presumption.

Judge HANECY. That is all that I want, Mr. Senator Paynter.

Senator PAYNTER. It would be a very unjust rule to indulge in any other presumption.

Senator JOHNSTON. Yes.

Judge HANECY. I understand.

Senator PAYNTER. I make the statement because it may avoid the supposed necessity of introducing a lot of testimony as to some rumors or some reasons which may have influenced members of the legislature.

Senator HEYBURN. At the suggestion, and I think there would be no dissenting opinion, as to the lack of presumption in favor of corruption or corrupt practices, we approach this hearing that the presumption of the law always gives, the presumption of innocence, and the burden is on those who charge otherwise.

Mr. AUSTRIAN. That is the burden that we are trying to carry.

Judge HANECY. I am through.

Mr. AUSTRIAN. I am through.

The WITNESS. Are you through with me?

Senator BURROWS. Yes. Who is the next witness?

Mr. AUSTRIAN. Mr. Beckemeyer is, but he is not here now.

Senator BURROWS. We will now adjourn until 10 o'clock to-morrow morning.

(Whereupon the committee adjourned until 10 o'clock a. m. Thursday, September 29, 1910.)

THURSDAY, SEPTEMBER 29, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. committee met pursuant to adjournment, the following members of the subcommittee being present: Hon. J. C. Burrows, chairman; Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. Thomas H. Paynter, Hon. Joseph F. Johnston, Hon. Morgan G. Bulkeley, and Hon. James B. Frazier.

Senator BURROWS. The committee will please come to order. Mr. Holstlaw will please resume the stand.

Senator GAMBLE. You made a statement last night, Judge Hanecy, when the witness retired, that you reserved the right of further cross-examination.

Judge HANECY. Yes, Senator Gamble.

Senator GAMBLE. Was it your purpose to proceed with the cross-examination at this time or later?

Judge HANECY. Well, I think probably I can cross-examine him now nearly all that I want to. I did state to this honorable committee some of the reasons why I did not want to cross-examine fully. There was an indictment pending at Springfield.

Senator BURROWS. You may proceed now.

D. W. Holstlaw resumed the stand for further cross-examination by Judge Hanecy and testified as follows:

Judge HANECY. Now, Mr. Holstlaw, you were summoned as a witness before the grand jury of Sangamon County, Springfield, Ill., were you not?—A. Yes, sir.

Q. That was in a matter in no way relating to the election of the United States Senator?—A. No, sir.

Q. That had to do with what they called the jack pot or something else. I don't care to go into the details, but simply to indicate that it was not connected with this. That is right, isn't it?—A. Yes, sir; that is right.

Q. You were asked whether you wrote a letter—you were asked before the grand jury if you wrote a letter to a certain house——

Mr. AUSTRIAN. I object; have you finished your question, Judge?

Judge HANECY. No.

Mr. AUSTRIAN. I beg your pardon.

Judge HANECY. You said you did not think you had or you didn't remember.—A. I didn't remember.

Q. You did not——

Mr. AUSTRIAN. Just a minute; I move the answer be stricken out until I have an opportunity to object.

Judge HANECY. It is merely preliminary.

Mr. AUSTRIAN. What he has testified to before the grand jury is only evidenced by the minutes of the grand jury, and not by what Judge Hanecy may put in the mouth of this witness, I respectfully submit.

Judge HANECY. Anybody who knows the facts as to what was testified in a court of record or in a grand jury, or anybody else may tell. It is the knowledge of the fact, and not the manner in which it is presented to the body that is to hear and determine the question connected with it. There is not any way by which we can get the minutes of the grand jury. It is not material, except as preliminary and leading up and showing to this honorable committee just the connection and the manner in which he was there, then I will come to the matter particularly in point.

Mr. AUSTRIAN. If I am permitted upon cross-examination—this being a new matter, in reference to what has taken place before the grand jury—if I may cross-examine upon it I have no objection.

Senator HEYBURN. I desire to ask whether, under the laws of this State, a proceeding before the grand jury may be gone into, whether an inquiry may be entered into in regard to the proceedings, except in a proceeding direct to furnish or test the truth of the proceedings before that body? In other States those proceedings can not be inquired into except in a proceeding—except for the direct purpose for an inquiry in it.

Mr. AUSTRIAN. For perjury.

Senator HEYBURN. And it can not be inquired into for any collateral matter. I inquire as to whether it is an exception to the rule.

Judge HANECY. We haven't any such law here, Mr. Senator Heyburn. The practice is that proceedings before the grand jury are not given out by anybody, and if we went into court for an order to compel the production of the minutes before the grand jury, we could not get it in all probability, but still the court would have the power, if he desired at that time, to order it.

Senator HEYBURN. I supposed that was the rule.

Mr. AUSTRIAN. That is the rule.

Judge HANECY. There is an indictment pending here in this State in which this witness and another witness that is subpœnaed, or will be subpœnaed before this hearing is over, and that indictment is still pending in Sangamon County, at Springfield, and the motion to

quash the indictment was argued yesterday, and I think the motion was overruled, from what I saw in the newspapers, and the case was set for hearing. Yesterday the State's attorney of Sangamon County, Mr. Burke, was here. He came up here with Mr. Holstlaw. Why, I don't know; but he came up here the morning before—the day before in the morning—and he sat immediately back of Callahan O'Laughlin there all the time that Mr. Holstlaw was on the stand. While I do not remember Mr. Holtslaw—I don't think I ever saw him before until I saw him yesterday—I can see the manifest unfairness of compelling him to go into certain matters that might prejudice or which might form a link in a chain which might prejudice the rights of the parties litigating down there, and that is the reason I reserved the right here, by permission of this honorable committee, to call him later. But, it seems to me, there are some things that we can go into here without possibly completing it entirely, and I am willing to do that.

Senator HEYBURN. The committee has not—I speak only for myself as a member of the committee—the committee has not conferred on it, but my impression of the rule is that you can show that a man has been indicted, but you can not go into the proceedings before a grand jury that resulted in the indictment. The fact that he is indicted may be shown, but nothing further.

Judge HANECY. I supposed that this committee, Mr. Senator Heyburn, had unlimited power to investigate anything, even the courts themselves, and the conduct of the judges in enforcing their rules or their orders.

Senator HEYBURN. Judge Hanecy, the fact that we have that power does not necessarily mean that we will exercise power beyond the ordinary rules under which proceedings of this kind are adhered to.

Senator GAMBLE. I now speak for myself, but I will say that it came to me through your statement during the progress of this hearing, in regard to the circumstances in connection with this witness, and when you made the statement last night to reserve the right to recall the witness, I supposed possibly you would recall him this morning. But, if it was your purpose to defer the calling of him until after the disposition of the case that is pending against him, that would be a matter for the committee to determine for themselves. I have no disposition, so far as I am concerned, to insist upon anything at this time that would be to the prejudice of the witness, and the due administration of justice because I think the committee has taken the matter up so that these subject-matters might be disposed of in the ordinary way that they would have through a court of justice, so that there wouldn't be any interference by this committee in that procedure. Of course we would have the power, but whether or not it would be proper to exercise it, under the circumstances, would be another question.

Judge HANECY. I think we can clear it up.

Senator BURROWS. Are you under indictment at this time?

The WITNESS. I was indicted at——

Senator BURROWS. I say, are you now under indictment?

Judge HANECY. I think not. He was under indictment and the indictment was quashed just as soon as he signed the paper.

Senator BURROWS. Never mind about that, Judge. Never mind the reason.

Q. Mr. Holstlaw, you were indicted and the indictment was quashed?—A. Yes, sir.

Senator BURROWS. So you are not under indictment now?—A. No.

Judge HANECY. You are held—I will withdraw that.

Mr. AUSTRIAN. Judge Hanecy, just a moment. Mr. Chairman, may I have the answer stricken out that the witness made before the objection was made. He answered "Yes" before the chairman had an opportunity to rule upon my objection with reference to what took place before the grand jury.

Judge HANECY. There is not really any importance to it.

Mr. AUSTRIAN. Yes; there is importance to it.

Senator BURROWS. Let it be stricken out. Go on with the witness.

Judge HANECY. Mr. Holstlaw, do you know generally the day that you went before the grand jury——

Mr. AUSTRIAN. Just a minute.

Judge HANECY. Let me put my question.

Q. Do you know generally the date you went before the grand jury? I want to show how soon after your testimony you were indicted and then how soon after that your indictment was quashed.—A. It was about the 28th of May, I think.

Q. That you went before the grand jury?—A. Yes, sir.

Q. The 28th of May this year?—A. Yes, sir.

Q. When were you indicted for perjury?—A. The 28th.

Q. On the same day?—A. On the same day.

Q. By the same grand jury before which you had testified?—A. Yes, sir.

Senator PAYNTER. Do you mean there were two indictments against him?

Judge HANECY. No, Senator Paynter. He was called as a witness in a general investigation.

Senator PAYNTER. Yes; I understand.

Judge HANECY. Then when he left the grand jury room the state's attorney procured an indictment against him the same day, and then—I will put this question:

Q. When was it that you signed this paper that Mr. Austrian showed you yesterday?—A. I think it was the 29th, if I remember right.

Q. The next day?—A. The next day.

Senator BURROWS. What were you indicted for?—A. Perjury.

Judge HANECY. Upon the testimony that you gave before the grand jury?—A. Yes, sir.

Q. Will you let me see that paper?

Mr. AUSTRIAN. I haven't got it now.

Judge HANECY. You had it yesterday, and it was shown to the witness and extracts were read from it, and I submit that we should have it accessible here.

Mr. AUSTRIAN. I am sorry, but it was not my paper. I wish I did have it. It was a paper brought here in the custody of the state's attorney of Sangamon County and it was his document, and he simply loaned it to us.

Judge HANECY. The paper ought to be in this record; it was shown to this witness.

Mr. AUSTRIAN. Let it be understood that it is in this record.

Senator GAMBLE. I saw it.

Mr. AUSTRIAN. The witness read a question and an answer from it, and stated it was the truth; and then Senator Gamble read the entire document.

Judge HANECY. I have no doubt but that we can get it from Mr. Burke, the state's attorney, when we want it.

Mr. AUSTRIAN. There is no trouble about that. He understood that Mr. Holstlaw's examination had been closed.

Q. Who drew that paper, Mr. Holstlaw, the paper shown you yesterday?—A. It was Mr. Fitzgerald, Lawyer Fitzgerald, and his partner.

Q. Mr. Gillespie?—A. Yes, sir.

Q. They are partners, Gillespie and Fitzgerald?—A. Yes, sir.

Q. They practice law in Springfield, Ill.?—A. Yes.

Q. One of them was attorney for the insurance commission for the State of Illinois, wasn't he?

Mr. AUSTRIAN. I object as to whether he was or not?—A. That I don't know.

Mr. AUSTRIAN. Just a minute, when I object.

Senator BURROWS. He said he did not know.

Mr. AUSTRIAN. It don't make a particle of difference.

Judge HANECY. How did these gentlemen come to you to draw that paper?—A. They were recommended to me by the sheriff.

Q. By the sheriff?—A. By the sheriff.

Q. Of your county?—A. Yes, sir; Sangamon County.

Q. That was the sheriff that had brought you from your home to the grand jury?—A. Yes, sir.

Q. Did they draw that paper?

Mr. AUSTRIAN. I object. Let him state what took place in the preparation of it.

Judge HANECY. I am cross-examining.

Mr. AUSTRIAN. Very well.

The WITNESS. They did.

Mr. AUSTRIAN. Mr. Chairman, I ask you to instruct the witness not to answer while there is an objection pending. He answers every question, whether I object or not.

Judge HANECY. It is not material; we will strike it out.

Mr. AUSTRIAN. I suggest, if there is to be any inquiry as to how the paper was drawn, that this witness be asked how it was drawn, and that Judge Hanecy be not allowed to tell him.

Judge HANECY. I suppose that it is merely a collateral matter, and that I can lead the witness anyway and take him on, as it is cross-examination and I would have the right to lead him.

Senator BURROWS. Read the question.

(Question read, as follows: "Did they draw that paper?")

Judge HANECY. Who drew that paper, Mr. Holstlaw?—A. Mr. Fitzgerald and Mr. Gillespie.

Q. And when it was prepared was it presented to you?—A. Yes, sir.

Q. By whom?—A. By those gentlemen.

Q. Where?—A. In their office.

Q. What was said?

Senator BURROWS. We can't hear you quite.

Mr. AUSTRIAN. He said in their office.

A. In their office.

Judge HANECY. In Springfield?—A. Yes, sir; in Springfield.
Q. On what day?—A. I think it was the 29th of May.
Q. And what was the conversation in relation to it before you igned it?—A. Well, I read it over, and——
Q. And——A. And then signed it. That was my statement.
Q. Yes. And then did they have you sworn to it?—A. No, sir; I hink not.
Q. You did not swear to it at the time?—A. I think not.
Q. Did anybody say to you or explain to you why you were re-uired or requested to sign that statement?—A. No; they did not.
Q. Was there any inquiry of you before the grand jury of your vote or Senator Lorimer for United States Senator?
Mr. AUSTRIAN. I object.
Judge HANECY. I want to show by this witness, Mr. Chairman and entlemen, that he was not called as a witness in the Senator Lori-ner inquiry or about voting for him, and that this matter was pro-ected into that paper without any inquiry being before the grand ury or anything of that kind, and that the paper—and I have never een it—I understand it related to an entirely different matter.
Senator FRAZIER. Judge Hanecy, was the paper put in evidence?
Judge HANECY. It was not, Mr. Senator Frazier, but it was handed o the witness, and certain parts of it were identified and read. That ives, I submit, or I supposed it did, give me the right to examine he paper. That has been the practice, and that is the law here. ast night, after that took place, other things intervened, and I sup-osed it would be here and accessible and that I could get it at any me, so I did not see it yesterday. It was not formally entered, but e have been told here that every time a paper is shown to a wit-ess that it should be marked by the official stenographer, and then ould be accessible to the committee or anybody who wanted to e it.
Mr. AUSTRIAN. I am perfectly willing to stipulate the paper in vidence, and we will procure it. Of course it is the document which elongs to the state's attorney of Sangamon County, and under the irection of the committee a copy can be had. But this witness is ot competent to state officially what was before the grand jury in angamon County. He can not testify as to what matter or matters he grand jury had under investigation.
Senator BURROWS. I do not understand the question is directed to hat occurred before the grand jury.
Judge HANECY. No. Read the question.
(Question read.)
Mr. AUSTRIAN. I object, because that is an indirect method of tempting to disclose what testimony was given before the grand ry.
Judge HANECY. It is all disposed of. There is nothing pending nder that indictment—that was procured and quashed after he gned this paper.
Mr. AUSTRIAN. I can testify—I can certainly testify as well as arned counsel. I will state that that indictment, except in so far he is concerned, is not disposed of and that the Senator Lorimer atter is pending in Sangamon County under an indictment for nspiracy.

Judge HANECY. I am talking only about the indictment as to him.

Senator BURROWS. The objection is sustained.

Judge HANECY. Did you say anything to the parties who asked you to sign that paper about not saying anything about the vote for Senator Lorimer, or that you would only testify of making a statement as to the furniture deal.

Mr. AUSTRIAN. I object.

Judge HANECY. Was there any conversation of that kind had before you signed that paper?

Senator BURROWS. The witness may answer. Read the question.

(Question read.)

A. Now, I don't understand the question.

Judge HANECY. I want to know whether you said——

Senator BURROWS. Let the question be read again.

(Question read.)

The WITNESS. I would like to have you read it again, for fear that I do not understand it.

(Question reread.)

A. I think there was.

Senator BURROWS. What is that?

The WITNESS. I think there was something said about my having voted for Lorimer.

Judge HANECY. Was there anything said to you as to what would happen to you, or the indictment that had been procured against you for perjury, if you signed that paper or if you did not sign it? Did they tell you what would happen to you if you did not sign it?

Senator BURROWS. That question is plain. Read it, Mr. Reporter.

(Question read.)

A. No; I don't think they told me what would happen to me if I did not sign it; I don't think they did.

Q. What did they tell you, if anything, as to what would be done if you did not sign it?—A. Well, I don't remember that they said anything about that.

Q. Did they say the indictment for perjury against you would be quashed if you signed it?—A. They said this—they said if I testified to the truth that the indictment would be quashed.

Q. The truth on what?—A. On—well, on the Lorimer vote and also the furniture.

Q. The furniture vote?—A. Yes, sir.

Q. Now, did you then sign the paper?—A. Yes, sir.

Q. And did they then take you before the same grand jury again?—A. Yes, sir.

Q. Did you then tell them what was stated in the newspapers? Did you then tell the grand jury what was written in the statement?—A. I don't think they did. I don't remember that.

Q. Well, did you go back before the grand jury then and testify to that part of the paper that you signed that referred to the furniture deal?

Mr. AUSTRIAN. I object. That is an indirect way of getting at what his testimony was before the grand jury, getting it before this honorable committee—trying to get before this honorable committee what has been ruled out, as I understand it.

Senator BURROWS. The objection is sustained.

Judge HANECY. May I be heard, Mr. Chairman, on that? It seems to me that that is important. I do not want to argue after there has been a ruling, but I can see how this honorable committee might understand why this man made that statement that he got $2,500 after he voted for Mr. Lorimer, and that Mr. Broderick gave it to him.

Mr. AUSTRIAN. May this witness be withdrawn out of the room if counsel is going to make an argument enlightening us upon his testimony.

Judge HANECY. I don't know why a rule now should be adopted different from the one when Mr. Austrian was instructing his witness.

Mr. AUSTRIAN. I didn't instruct him, and he was not my witness.

Judge HANECY. You have asked this witness to be here.

Senator HEYBURN. May I interrupt to ask a question? Are you proposing to make an argument in favor of introducing testimony as to what this witness testified before the grand jury?

Judge HANECY. I want to show, Mr. Senator Heyburn, that this witness made that statement.

Senator HEYBURN. Before the grand jury?

Judge HANECY. Before the grand jury—that statement was written, and that he did it because he wanted to be freed from an indictment that was then pending against him and had just been procured for perjury—perjury, not in the Lorimer matter——

Senator HEYBURN. It is not fair to——

Judge HANECY. Simply to show the motive.

Senator PAYNTER. Is the true purpose, Judge Hanecy, to show us, and affect the credibility of this witness—to show that an inducement was offered to him to make a statement with reference to the Lorimer matter, but the indictment was dismissed against him——

Judge HANECY. I beg your pardon; I did not catch all of that.

Senator PAYNTER. I say, is the purpose of your inquiry to show that he made an agreement to give this testimony, or the testimony or the recitation in this statement, in consideration that the indictment would be dismissed against him?

Judge HANECY. Yes; Mr. Senator Paynter.

Senator GAMBLE. Hasn't that all been substantially disclosed to the committee? The witness has already testified that he did give testimony before the grand jury, and that subsequently this statement was prepared and signed. Then, the day following that, the indictment was dismissed. Now, that is disclosed without disclosing anything that occurred before the grand jury.

Judge HANECY. That is all I desire.

Senator GAMBLE. Hasn't that all been disposed, and isn't it before the committee now?

Judge HANECY. I think so, Mr. Senator Gamble. If that is the view of all the members of the committee, I have nothing more to say in reference to that.

Senator GAMBLE. I would agree with the statement made by Senator Heyburn that we ought not to go into the transaction before the grand jury.

Judge HANECY. If that is explained, that is all that I desire to present to this committee.

Senator BURROWS. Are there any further questions?

Judge HANECY. Yes.

Q. The indictment, in which you are a witness—the indictment against Senator Broderick, one of the witnesses on the list here—is still pending at Sangamon County, Springfield, and you are a witness there?—A. Yes, sir.

Q. Were you ever indicted in Sangamon County or any other place for voting for Senator Lorimer?

Senator GAMBLE. Possibly I am interrupting too much, but as I understand the rule, and if I understand it correctly, it is that if a man has been convicted that fact can be shown at any time by any competent evidence before a jury or a committee; but if he is simply under an indictment the presumption of innocence still stands against him.

Mr. AUSTRIAN. That is the law in this State.

Judge HANECY. The law in this State is announced in the case of Gage *v.* Eddy, or Eddy *v.* Gage, that the witness on the stand may be asked whether he was indicted for perjury. That was asked the witness and ruled out by the trial court, and it went on to a final decree or judgment, and went to the supreme court and was reversed on that express ground, because the witness Kimball was not permitted to testify to the question whether or not he was indicted.

Senator GAMBLE. Without having been convicted?

Judge HANECY. Without having been convicted. You can not ask any other witness that, but you can ask the man himself whether he was indicted, and our supreme court——

Senator FRAZIER. Have you not just asked this witness if Mr. Broderick was indicted—isn't that the question pending?

Judge HANECY. No; I asked this witness if he was ever indicted.

Senator FRAZIER. He said he was.

Judge HANECY. I mean for voting for Senator Lorimer.

Senator FRAZIER. Let us have the question read, then.

Mr. AUSTRIAN. Then if he was indicted the record would be the best evidence of that fact.

Judge HANECY. There can not be if there is no record.

Senator FRAZIER. Well, let us have the question.

Senator BURROWS. Read the question.

(Question read.)

Senator BURROWS. You may answer the question.

A. I was not; no, sir; I was not.

Judge HANECY. That is all.

By Mr. AUSTRIAN:

Q. Why did you sign the paper, the writing shown to you yesterday, Mr. Holstlaw?—A. Why did I sign it?

Q. Yes. A. Because it was a statement that I had made and it was a true one.

Mr. AUSTRIAN. That is all.

Judge HANECY. The language was formulated by someone else, by those lawyers, and not by you?—A. Yes, sir.

Judge HANECY. That is all.

By Mr. AUSTRIAN:

Q. Were the questions put to you that are embodied in that statement, and did you make the answers therein embodied?—A. Well, I read it over and then I signed it.

Q. And it was true was it?—A. Yes, sir.

Q. Did you make it for the purpose of relieving your conscience?—A. Well, I don't believe I did particularly, but I did it because it was true and I felt that it was my duty to make a statement to the grand jury.

Mr. AUSTRIAN. That is all.

Senator PAYNTER. I would like to ask a few questions.

Q. Upon what day did you appear before the grand jury at Springfield?—A. Upon the 28th day of May.

Q. Upon what day was the indictment returned against you for perjury for your testimony before the grand jury?—A. The same day.

Q. The same day?—A. Yes, sir.

Q. Upon what day was this paper signed?—A. The 29th.

Q. Upon what day was the indictment dismissed?—A. The same day, the 29th.

Q. Before or after the paper was signed?—A. Well, I think it was after.

Senator PAYNTER. That is all.

The WITNESS. Am I excused so that I can go home now?

(The committee confer privately.)

Senator GAMBLE. How far is your home from here, Mr. Holstlaw?

The WITNESS. It is about 250 miles.

Senator GAMBLE. Do you go by train or by trolley?—A. Rail.

Senator BURROWS. Do the attorneys want the witness to remain here?

Judge HANECY. I don't, Mr. Chairman.

Mr. AUSTRIAN. No, sir; I don't. May we have an understanding? Counsel has called for it, and I will procure the written statement, it is signed "D. W. H."—I will put this question: It is signed "D. W. H.," your signature, the paper I showed you yesterday, Mr. Holstlaw, and also Senator Gamble saw it, and I think he will recognize it if he sees it again. It was the document signed by you, dated May 28, or the 29th, and on each page was the initials, "D. W. H." ?—A. Yes, sir.

Mr. AUSTRIAN. I think the Senator will recognize it when he sees it.

Senator GAMBLE. I do not recall, Mr. Austrian, of it bearing any date.

Mr. AUSTRIAN. Well, it has a date.

Senator GAMBLE. Of course, it was a statement not sworn to.

Mr. AUSTRIAN. No; but questions and answers.

Senator HEYBURN. If there is any question in the substitution of the paper, we can readily remedy that.

Senator GAMBLE. I presume we can get a copy of it.

Mr. AUSTRIAN. Yes.

Senator GAMBLE. If we can take the assurance that he will come back here on telegraphic notice, I suppose he can go.

Judge HANECY. I am entirely satisfied to let Senator Gamble identify the paper that you present.

Mr. AUSTRIAN. So am I.

Senator PAYNTER. I want to ask you one more question.

Q. Did you understand from either District Attorney Burke or any officer of the court there, the judge, or this firm of lawyers, that this indictment was to be dismissed against you, if you signed this paper?—A. Yes, sir.

Q. You understood that?—A. Yes, sir.
Q. And that was the agreement between you?—A. Yes, sir.
Q. That talk related then to the agreement to induce you to sign this paper?—A. Well, I suppose it did in part.
Senator BURROWS. A little louder.
A. I felt it was a true statement, and I signed it, and I suppose that had something to do with it.

By Senator PAYNTER:

Q. You were anxious to get rid of the indictment against you?—A. Yes, sir.
Q. You were really more interested in that, weren't you, than you were interested in signing the statement which tells the truth, as you say?—A. I was very much interested in that.
Judge HANECY. May I ask another question?
Senator BURROWS. Yes.

By Judge HANECY:

Q. Were you in the custody of an officer at the time, immediately after your indictment, and when you signed this statement?—A. Well, the officer was not with me at the time.
Q. No?—A. But I was in his custody, certainly.
Judge HANECY. That is all.
Senator GAMBLE. Now, you may get away quick, Mr. Holstlaw.
Mr. AUSTRIAN. Just one question.
Senator BURROWS. Proceed.
Mr. AUSTRIAN. Did the fact that you were indicted, Mr. Holstlaw, or that you were in the custody of an officer, or that you wanted to go home, or that you might be called before the grand jury, or any other fact or circumstance induce you to sign that paper containing, as you now read it, any statement that was not true?—A. No, sir; it was true; the statement that I made.
Q. Absolutely true?—A. Yes, sir; it was.
Senator BULKELEY. He said that a dozen times; that is as true as it can be.
Judge HANECY. There is a grand jury sitting in Sangamon County now?
The WITNESS. I can now go home?
Senator BURROWS. You may now go home, with the understanding that you may be called if necessary.
Senator GAMBLE. You will come on telegraph notice?
The WITNESS. Yes; I will come on telegraph notice.
Senator BURROWS. Is Michael S. Link here, or is Mr. Beckemeyer here?
Mr. AUSTRIAN. I think not. Mr. Kirkpatrick was referred to yesterday in the testimony, and his testimony will be very brief.
Senator BURROWS. Is Mr. Kirkpatrick here?

Thomas Kirkpatrick, a witness produced, sworn, and examined in said matter, testified as follows:

Direct examination by Mr. AUSTRIAN:

Q. Mr. Kirkpatrick, what is your full name?—A. Thomas P. Kirkpatrick.
Q. Your full name is Thomas P. Kirkpatrick?—A. Yes, sir.
Q. Where do you reside, Mr. Kirkpatrick?—A. Collinsville, Ill.

Q. Where did you reside in 1909?—A. In St. Louis.
Q. What was your business in 1909?—A. I was working for the Grand Leader Company in St. Louis.
Q. Did you see Mr. White in the Grand Leader in the year 1909?—A. Yes, sir.
Q. Will you state to the committee on or about what time?—A. He was in there several times during the year 1909.
Q. I have in mind any time during which he displayed any money, if any such time existed?—A. Some time——

Judge HANECY (interrupting). I object to that, Mr. Chairman. That comes very clearly within the several rulings of this committee, that the witness, White, could not show by Kirkpatrick that he did certain things, and he can not be brought here to testify to the things that White said to Kirkpatrick or others.

Mr. AUSTRIAN. I suppose the number does not change the rule of law, whether a swarm or a small number. Now, the purpose of this examination is this: Counsel with a great deal of suavity showed the financial condition of the witness, White, a month or a month and a half after the payment of these two sums, amounting to $1,900. The witness stated what he did with the money. I will show that immediately after he got the money at St. Louis he visited the Grand Leader and gave it to the Grand Leader through the favor of Mr. Kirkpatrick, who was employed there. The rule of law is established that we can bring the witness Kirkpatrick to show that fact.

Q. Was there any time when he displayed any money there?

Judge HANECY. The question is not what he said, but what took place there.

Senator BURROWS. The question is whether he deposited any money here at any time?

The WITNESS. Yes, sir.

Senator BURROWS. When?—A. I suppose in the month of June, the latter part, I could not say what date.

By Mr. AUSTRIAN:

Q. State now what took place.—A. It was along late in the afternoon, I suppose, I was employed as floor manager there. Mr. White came in and asked me if I would take care of some money for him until the next morning. I told him I would see, and I went over and spoke to Mr. Hollander, cashier, whose office is on the fourth floor, and asked him if he would take care of some money for a friend of mine until the next morning and put it in the vault, and he said "I will," and gave me an envelope, and I gave the envelope to Mr. White and he picked out some money and marked $800 on the envelope and put his name on it, and I handed it to Mr. Hollander. I suppose that was about 4 or 4.30 in the afternoon. The next morning, about 9 or 10 o'clock, Mr. White came and got the package.

Mr. AUSTRIAN. That is all.

Cross-examination by Judge HANECY:

Q. You didn't count the money? You didn't count the bills or see the denominations?—A. I saw some of the denominations; yes, sir.
Q. Did you see——A. (Interrupting.) They were mixed up.
Q. I didn't ask you whether they were mixed up. Did you see the denominations of the bills?—A. Do you mean of the package?

Q. In the package; yes, sir.—A. In the package?
Q. Yes, sir. Did you see it—yes or no? Did you see the denominations of each one of the bills that was in the package?—A. I couldn't say that I saw——
Q. That is all I want.
Senator BURROWS. That is the question; did you see them?—A. I saw the money that he had.
Senator BURROWS. Did you see the denomination of each one of the bills?—A. He counted them out.
Senator BURROWS. That is not the question.
The WITNESS. I saw some 50 and some 20 dollar bills.

By Judge HANECY:

Q. Did you see the denomination of each one of the bills?—A. I could not say that.
Q. You didn't do that?—A. No, sir.

H. J. C. Beckemeyer, being sworn as a witness in said matter, testified as follows:

Direct examination by Mr. AUSTRIAN:

Mr. AUSTRIAN (to witness). Now talk to Senator Heyburn so we can all hear you.
Q. What is your full name?—A. H. J. C. Beckemeyer.
Q. Where do you reside?—A. Carlyle, Ill.
Q. How long have you lived there?—A. About seven or eight years.
Q. What is your business?—A. Practicing law.
Q. How long have you been admitted to the bar?—A. Since 1903
Q. Were you elected to the legislature?—A. Yes, sir; I was.
Q. When?—A. The last time in 1908.
Q. When, prior to 1908?—A. 1906.
Q. If at all, when prior to 1906?—A. Not at all.
Q. To which house were you elected in 1906?—A. To the lower house.
Q. Of representatives?—A. Of representatives; yes, sir.
Q. The same in 1908?—A. Yes, sir.
Q. Democrat or Republican?—A. Democratic.
Q. In 1908, what following, if any, the Browne or Tippit or either?—A. I voted for Mr. Browne in the caucus for minority leader.
Q. Mr. Beckemeyer, do you recollect the election or rather the vote for United States Senator in the joint assembly in the session of 1909?—A. Yes, sir.
Q. Do you recall the candidacy of the various candidates, or some of them, the principal ones, during that session?—A. I think I can, yes, sir.
Q. Who was the caucus nominee on the Democratic side for United States Senator?—A. Mr. Stringer.
Q. The full name, please.—A. Lawrence. We always called him Larry.
Q. Who were the prominent Republican candidates voted for there? When I say prominent I mean who were the contestants so far as the vote disclosed during that session?—A. Why, Mr. Hopkins, Mr. Mason. Mr. Foss, and, I think, Mr. McKinley was voted for.

Q. Those were the ones who had up to May 28, 1909, received a large Republican vote, were they not, the ones you have mentioned?—A. I think those were the principal ones voted for; yes, sir.

Q. Mr. Beckemeyer, prior to May 28, 1909, did you vote—I mean May 26, and where I said May 28 I mean May 26—that is the day of the election. Prior to May 26, 1909, had you voted for a Republican for United States Senator?—A. I had not; no, sir.

Q. Will you state to the committee what, if any, talk you had with Lee O'Neill Browne on or about the 26th of May, 1909, with reference to the subject-matter of voting for United States Senator?—A. As well as I remember, it was two nights before the election of Senator Lorimer. Mr. Browne called me to his room and asked me what this talk was about me not going to vote for Senator Lorimer. I then told him that I didn't think I could do it; that in my judgment anybody that did it would be killed, politically, at home. So Browne then insisted that it would not, and said that if a large majority or practically all of the Democrats voted for Senator Lorimer that I could afford to do it. So, after talking the matter over, he showed me a list of the different Democrats that he said had promised to vote for Senator Lorimer. After going over the list with him I told him if I could satisfy myself that all those parties were going to vote for Senator Lorimer that I would vote with them. I think that was about all the talk we had as well as I remember now.

Q. Yes, sir. Did you then go to any of the other Democrats for the purpose of ascertaining whether or not the statement made by Browne to you was correct?—A. Well, yes; I inquired of a few.

Q. Some I have mentioned?—A. Yes, sir; I think so; yes.

Q. And what did you ascertain?—A. Well, I learned from some of them that I inquired of that they were going to vote for Senator Lorimer.

Q. And others?—A. Well, I think there were several of them that said they were not going to.

Q. Did any of them state to you under what conditions they were going to vote for Senator Lorimer?—A. Well, no; I can't say as they did particularly.

Q. Was there any discussion had with any——A. (Interrupting.) I can't say that they did particularly.

Q. Was there any statement made or any reference made as to whether or not they would or would not under certain conditions, which conditions had not yet arisen?—A. Well, as well as I remember, there was probably one or two whom I asked whether they were going to vote for Senator Lorimer; they said in substance, "I am from Missouri, and I have got to be shown," or something, and that was the substance of their answers to me.

Q. Mr. Beckemeyer, who came to you the night Mr. Browne—the night of May 24, as you fix it now, and requested you to go to Mr. Browne's room?—A. I don't know; it has always been in my mind that it was Michael Giblin.

Q. Or Mike Giblin?—A. Yes, sir.

Q. Who was he?—A. He was Mr. Browne's private secretary.

Q. Did you vote for Senator Lorimer on the 26th of May, 1909?—A. I did; yes, sir.

Q. And that was the first vote you had cast for Senator Lorimer?—A. Yes, sir.

Q. Senator Lorimer's name had been put in nomination as early as May 13, had it not?—A. I really don't know.

Q. Some days before you voted for him?—A. He had been voted for before that by a few.

Q. Mr. Beckemeyer. after you had voted for Senator Lorimer did you have any further conversation with Lee O'Neill Browne?—A. How soon after?

Q. Well, any time within the next month or two weeks or ten days or a week.—A. A few weeks afterwards I met Mr. Browne at Starving Rock and had a talk with him.

Q. State what that talk was.—A. Mr. Browne called me out to one side and said that within a week or such a matter he would see me, and that he had a package that he wanted to give to me—something.

Q. Did you have anything in mind with reference to his expression that he had a package?

Judge HANECY. I object to that.

Senator BURROWS. Let him state the conversation.

Q. Go ahead.—A. That was about all the conversation I had with him.

Q. Did you know what he meant when he said he had a package?

Judge HANECY. I object, Mr. Chairman and gentlemen; that leaves this witness to theorize, and the inference can be drawn by the committee as well as by this witness after he details all that was said and done.

Mr. AUSTRIAN. This committee can not be as well versed in the methods of doing things at Springfield during this session as the witness is. A nod, a wink, or a shake of the head sometimes declares what is meant.

Judge HANECY. If there were any winking or nodding or shaking of the head, let him say so.

Q. What date was this talk with reference to having a package—with reference——A. (Interrupting.) I am trying to think.

Q. Assuming that the legislature adjourned on the 4th or 5th of June.—A. Well, it was, as I remember, the 12th of June, but I am not sure; I think it was the 12th of June.

Q. Did you make any reply to that statement of Mr. Browne's?—A. No, sir.

Q. Did you receive any communication from Mr. Browne immediately or shortly thereafter?—A. Yes, sir.

Q. About when would you say, about how long after this conversation at Starving Rock?—A. I should judge about ten days after that I received a letter from Mr. Browne.

Q. What became of that communication?—A. I destroyed it.

Q. Immediately or when?—A. Immediately; yes, sir.

Q. What was the contents of that communication?

Judge HANECY. I object to that, Mr. Chairman. I think the law presumes that where a witness deliberately destroys an instrument he can not be heard afterwards to explain. If it is destroyed without his procurement or his negligence, then the contents may be shown; but if he deliberately destroys it, he can not state the contents

Senator BURROWS. The committee will receive the answer.—A. What the contents of the letter was? It was inviting me to meet Mr. Browne in St. Louis; that was the principal part of the letter.

Senator BURROWS. Was that all there was in it that you can remember?—A. Well, I think it stated that I was to either meet him or some one I would know at the Southern Hotel in St. Louis.

Q. Did it fix the time when you were to be there?—A. Yes, sir.

Q. What time did it fix?—A. The 15th of July.

Q. Did you meet Mr. Browne or anyone else in St. Louis on the 15th of July?—A. I met Mr. Browne in St. Louis.

Q. You said you got a letter the 21st of June, did you, or do you fix it as the 21st day of June that you met Browne? I want to recur to that.—A. I stated a minute ago that it was the 15th of July that he invited me down there; it was the 21st day of June I was invited here.

Q. Did you meet Browne in St. Louis on the 21st day of June?—A. Yes, sir.

Q. State what took place. That Mr. Browne is the same Lee O'Neill Browne who was the minority leader in the forty-sixth general assembly, was he not?—A. Yes, sir.

Q. Tell the committee, please, what took place when you met Browne in St. Louis the 21st day of June.—A. Mr. Browne handed me a roll of money, which he said was $1,000, which I afterwards counted and found it to be $1,000.

Q. What did he say it was for, if anything?—A. He handed me the money and said, "This is Lorimer money."

Q. Did you count the money?—A. I did, but not at that time.

Q. Thereafter?—A. Yes, sir.

Q. On your meeting in St. Louis with Mr. Browne was there present, or did you see anyone there, any other member of the house or senate—of the Illinois house or senate?—A. The only other person I saw there was Mr. Sheppard.

Q. Was that Henry Sheppard?—A. Yes, sir.

Q. Democratic member of the house?—A. Yes, sir.

Q. He lives at Collinsville?—A. No, sir; at Jerseyville.

Q. Mr. Beckemeyer, what did you do—I will withdraw that. Can you tell the committee in what denominations, if you recollect, the $1,000 were?—A. I think they were all $50 bills.

Q. What did you do with the thousand dollars after you received it?—A. I don't really know what I did with all of it. I took it home and kept it in the safe awhile and gradually changed it into smaller money at different places. When I would change it into smaller money, I would deposit it in my home bank, and I paid some debts I had.

Q. Did your father have a bank at that time?—A. Yes, sir.

Q. Where?—A. Beckemeyer.

Q. Where your home was, is that the bank you refer to?—A. No, sir; I kept no regular deposit at my father's bank at all.

Q. At the time, Mr. Beckemeyer, that Mr. Browne gave you the money, this $1,000, at the Southern Hotel, where was it, in the lobby or in a room or where?—A. In a room.

Q. Was there anyone in the room when you went in there?—A. No, sir; when I went in, as well as I remember, Mr. Sheppard was just coming out.

Q. This same Henry Sheppard?—A. Yes, sir.

Q. At the time he gave you the thousand dollars, did he say anything about any other moneys?—A. Yes, sir; he said there would be some more in the future.

Q. Did he say when?—A. No, he did not; a few weeks, in a few weeks, or ten days, or such a matter.

Q. Did you receive any subsequent communication?—A. I did not.

Q. Or from anyone else?—A. I did.

Q. From whom?—A. I received a telegram from Robert E. Wilson.

Q. That is the Robert E. Wilson who was a Democratic member of the house from Cook County?—A. Yes, sir.

Q. What did you do with the telegram?—A. I destroyed it.

Q. When?—A. Why, I think immediately upon receiving it.

Q. What did that telegram ask you to do, if anything?—A. To meet Wilson in St. Louis.

Q. Did you meet Wilson in St. Louis?—A. I did.

Q. When?—A. I think it was the 15th day of July.

Q. Where?—A. At the Southern Hotel.

Q. Where in the Southern Hotel?—A. Well, I don't know what room it was.

Q. In the lobby, or a private room, or bedroom, or where?—A. In a bedroom.

Q. Who was present?—A. Joe Clark, of Vandalia.

Q. Was he a Democratic member of the house?—A. Yes, sir.

Q. Anyone else?—A. No, sir. Yes, sir; as I went to leave, rather, Mr. Luke came into the room and I left immediately.

Q. C. E. Luke, a Democratic member of the house?—A. Yes, sir.

Q. Where did he live?—A. At Nashville, Ill.

Q. There was Sheppard, Luke, Wilson, and yourself, as I understand you to say?—A. Yes, sir.

Q. Anyone else?—A. That is all I remember of meeting there.

Q. Did you meet Mr. White there?—A. I did not.

Q. Did you see him there?—A. I did not.

Q. Did you see him in St. Louis?—A. Yes, sir; I think it was that day I met him in St. Louis on the street.

Q. Now, will you tell the committee what took place in that room in the Southern Hotel on that occasion?

Judge HANECY. I do not care to argue this, but I want to renew the objection I made before. I think it has been ruled out on several occasions, called the "jack-pot" matter.

Senator BURROWS. The objection is in; you can proceed.

The WITNESS. Mr. Wilson handed me a roll of money.

Q. Where?—A. In the Southern Hotel in a room.

Q. In his room or an adjoining room, or where?—A. In the room.

Q. Who was in the room when you got it?—A. Mr. Clark was in the room.

Q. Anyone else?—A. No, sir.

Q. That is, Joe Clark?—A. Yes, sir.

Q. How much did he hand you?—A. Nine hundred dollars.

Q. What did you do with that $900?—A. Well, $500 of it I deposited in a St. Louis bank.

Q. What bank?—A. I think they call it the Commercial Trust Company; I think that is the name of it. It is on Jefferson and Olive in St. Louis.

Q. You deposited it in that bank after you received it from Wilson?—A. No, sir.

Q. When?—A. I think on the 7th of August I deposited it there.

Q. That was $500 of the $900 you received from him, was it?—A. Yes, sir.

Q. What was that date?—A. I think it was on the 7th of August.

Q. Did Wilson say anything to you on that occasion, on the 15th of July, when those men were present, with reference to the denomination of the money, or anything pertaining to that subject, that he was about to hand to Sheppard?—A. I think he made the statement that he had a $500 note, and that he was instructed to give that to Sheppard.

Q. Did he say by whom?—A. I don't remember whether he said by whom or not. I think probably—I would not say whether he did or not.

Q. Have you any recollection on the subject?—A. It seems to me he said that he got his—that Browne told him to, but I am not sure about that, though it seems to me that something like that was said.

Q. Mr. Beckemeyer, you testified before the grand jury in Chicago, didn't you?—A. Yes, sir.

Q. You were indicted for perjury, were you not?—A. No, sir.

Q. You were not indicted?—A. No, sir.

Q. You have testified in the previous Browne's trials, have you not?—A. Yes, sir.

Q. And the statement you are now making here is a free and voluntary statement, and the truth?

Judge HANECY. I object to that, Mr. Chairman and gentlemen.

Senator BURROWS. I think you should not follow that further.

Mr. AUSTRIAN. Very well.

Senator BURROWS. There is nothing to show but that it is free and voluntary.

Q. Mr. Beckemeyer, did you have any talk with Mr. Luke on that occasion?—A. Do you mean at St. Louis?

Judge HANECY. I object to that, Mr. Chairman.

Q. I mean prior to the meeting at St. Louis, with reference to this subject-matter?.—A. I don't recall that I did now. I had a lot of talk with Mr. Luke, however, though:

Q. Did you have any talk with Mr. Clark upon the subject—Joseph Clark—upon the subject of your vote and his vote or Mr. Link's vote for Senator Lorimer?

(Question read by the stenographer.)

A. I don't recollect that I did unless it was simply to ask him a question several days before the election whether they were going to vote for Senator Lorimer; outside of that I had no conversation with him.

Q. After the election of Senator Lorimer did you have any talk with Joseph Clark upon the subject?—A. Yes, sir.

Q. Will you state to the committee what that talk was?

Judge HANECY. I object to that, Mr. Chairman.

Senator BURROWS. That is Clark, you mean?

Mr. AUSTRIAN. Yes, sir. I will ask the right to recall this witness after Mr. Clark is called as a witness.

Senator BURROWS. Has this witness been subpœnaed?

Mr. AUSTRIAN. I wish to recall him upon this subject, so that I may not be foreclosed.

Q. Did you have any talk with Mike Link on the same subject?

Mr. AUSTRIAN. That is the same question.

Senator BURROWS. The same ruling.

Judge HANECY. I didn't object to that particular question.

Senator BURROWS. Did you have any talk with Mr. Link.—A. I had no talk with Mr. Link at all during this transaction. After we got here in Chicago I spoke to him once or twice, and that is all the talk I ever had with Mr. Link.

Mr. AUSTRIAN. I want to identify some signatures on the hotel register when the boy brings them. That is all at present.

Senator BURROWS. With that exception. You may proceed.

Judge HANECY. Shall I proceed?

Senator BURROWS. You may proceed.

Cross-examination of Mr. BECKEMEYER by Judge HANECY:

Q. Mr. Beckemeyer, about the 2d of May of this year, or late in April, or early in May of this year, did you receive a communication from the managing editor of the Chicago Daily News in relation to what you did in voting for Senator Lorimer?

Mr. AUSTRIAN. Let us have the date fixed. Counsel has apparently got the written communication in his hands, and then he says late in April or early in May.

Judge HANECY. This is the reply; I don't know when they wrote to him.

Mr. AUSTRIAN. I thought that was the communication.

Q. Did you receive a communication from the managing editor of the Chicago Daily News?—A. I think, possibly I did. I received a telegram, I think from nearly all the Chicago papers a few days on the day after White's story was printed in the Tribune. I can not say as to the News, but I think I did.

Q. You wrote to the managing editor of the Chicago Daily News, didn't you?—A. I am not sure, I think I recollect after the——

Senator BURROWS. Did you write to him?—A. I think I did.

Q. Did you send any telegram? [Handing witness a paper.] Not that specific paper, but is that what was on the telegram you sent in reply?—A. I did, sir.

Judge HANECY. I offer this in evidence.

Senator BURROWS. What is it?

Judge HANECY (reading):

CARLYLE, ILL., *May 2, 1910.*

MANAGING EDITOR, CHICAGO DAILY NEWS. *Chicago, Ill.:*

No one ever talked to me about money for voting for Lorimer. I did it of my own free will and accord. I know nothing of a jack pot that was distributed nor did I ever hear of it. I am willing to testify any place on this matter.

H. J. C. BECKEMEYER.

Q. Your contract with White to furnish this testimony was April 9——

Mr. AUSTRIAN. He had no contract with White to furnish testimony.

Senator BURROWS. Suppose we don't indulge in these comments.

Q. Have you the communication you received from the managing editor of the Chicago Daily News?—A. I don't think I have; no, sir.

Q. You can not produce it here?—A. No, sir.

Q. Do you remember what that was? What it asked you for?—A. No; I do not remember specifically; I think it asked for a statement from me with reference to White's charges.

Q. Did it ask you whether you had talked with anybody about money for voting for Senator Lorimer, and whether anybody had talked with you about money for voting for Senator Lorimer?—A. I don't know whether it did or not; I don't remember.

Q. Did it ask you about the "jack pot," so called?—A. I don't remember that either, whether it did or not.

Q. Did it ask you whether you were willing to testify in that matter?—A. Well, I think probably it did; yes, sir.

Q. You live at Carlyle, Clinton County, Ill.?—A. Yes, sir.

Q. Do you know Manuel Abram, a Democratic member of the legislature?—A. Yes, sir.

Q. He was a Democratic member at the same time you were, was he not?—A. Yes, sir.

Q. Did you go to his—he keeps a saloon doesn't he?—A. Yes, sir.

Q. Did you go to his saloon and talk with him in relation to his voting and your voting for Senator Lorimer?

Mr. AUSTRIAN. Wait a moment; fix the time.

Judge HANECY. I want to know first whether he went there. If he did not, it is not necessary to fix the time.

(Last question read by the stenographer.)

A. I think possibly that there was something said about his voting for Senator Lorimer there. I was at his place.

Q. You did go to his place?—A. I was at his place; yes, sir.

Q. You did talk with him about the election of Senator Lorimer for United States Senator?—A. I think we talked about it; yes, sir.

Q. When was that?—A. I guess it was on April 30.

Q. This year or last year?—A. This year.

Q. It was Saturday, April 30, 1910. Was there anybody with you?—A. Yes, sir.

Q. Who was it?—A. Mr. Welch, of Carlyle.

Q. Mr. Welch is a particularly close friend of yours at Carlyle, isn't he?—A. He lives in Carlyle, and is a neighbor of mine. He is what I would call a friend; yes, sir.

Q. He keeps a saloon, doesn't he?—A. Yes, sir.

Q. In Carlyle?—A. Yes, sir.

Q. Did you in that conversation say this to Mr. Abram in the presence of Mr. Welch: "We have been away from home down the river fishing, but we don't want anybody to know what we are at. What do you think of this man, White; did you see the paper?" And did Abram say to you, "Yes, I saw it. I think the fellow is crazy; I would not believe him under oath." And did you say to him, "I never did like the rat." Then did you say to him, "I was not in St. Louis on July 15, and never saw Wilson there; that was the time I was home, sick." And did you then turn to Welch and say, "Isn't that the time, Welch?" And didn't Welch say, "Certainly, that was the time you were sick, I know it." Then did you say, "I never got any money from Browne or anybody else." Did Abram then say to you, "What are you afraid of, then, if you got no money from anybody?" "I am not afraid." Then did you say to Abram at that time and place, "I am going out of town down the river fishing again. I don't know where I am at with that story of White's;

don't tell anybody I was here." And did Welch say to you at that time and place, "What the hell are you afraid of? You didn't get anything, so why are you afraid?" Did that conversation take place at that time and place?—A. That is rather a long question. The substance of that, I think, took place; yes, sir.

Q. That is the substance of what did take place?—A. Yes, sir.

Q. You testified, Mr. Beckemeyer, as a witness in the trial of the—second trial of the case of the People against Lee O'Neill Browne in the criminal court at Cook County, did you not?—A. Yes, sir.

Q. You were sworn as a witness before testifying?—A. Yes, sir; I was.

Senator HEYBURN. The witness shook his head.

The WITNESS. I said, "Yes; I was sworn."

Q. You were examined and cross-examined there?

Judge HANECY. May I go back a moment, Mr. Chairman?

Senator BURROWS. Yes.

Q. Mr. Beckemeyer, you had a talk with Lee O'Neill Browne before you voted for Senator Lorimer, didn't you?—A. I did; yes, sir.

Q. And did not Browne ask you if you could vote for a Republican for United States Senator several days before Senator Lorimer was elected?—A. Yes, sir.

Q. And did you say to him, "Well, I might if I knew who the Republican was?" Did you say that or that in substance?—A. I think possibly I did. The fact of the matter is we discussed voting for most anybody to beat Hopkins for quite a while before there was any election, and there was quite a number of us expressed a willingness to vote for Shurtleff quite a number of times, and I think, if I am not mistaken, some of the boys did vote for him.

Q. Edward D. Shurtleff, you speak of, was a member of the house of representatives of this State and speaker of the house?—A. Yes, sir.

Q. He was discussed very generally by both Republicans and Democrats, but very generally by the Democrats, as a party that they would vote for for United States Senator?—A. Yes, sir.

Senator FRAZIER. Was he a Republican or Democrat?—A. He was a Republican.

Q. You voted for Shurtleff for speaker of the house, didn't you?—A. Yes, sir.

Q. There were more Democrats that voted for Shurtleff for speaker of the house than there were Republicans, were there not?—A. Yes, sir.

Q. Practically every Democrat in the house voted for Shurtleff for speaker at that session?—A. All but one.

Q. And a great many Republicans voted for him?—A. I don't remember the exact number.

Q. A great many?—A. Yes, sir.

Q. Then, later in the session, when many votes had been taken for Hopkins, Webster, Foss, Mason, and others, the Democratic members of the house discussed very generally voting for some Republican other than Hopkins, Mason, Foss, and Webster; that is a fact, isn't it?

Mr. AUSTRIAN. Does the committee think counsel ought to testify and add to his question "That is a fact, isn't it?"

Senator BURROWS. Let me suggest that you make your questions as short as possible.

Judge HANECY. That is the reason I asked him directly, and not ask him to tell what they did.

Senator FRAZIER. He can answer that.

Judge HANECY. This is cross-examination, and if I am not permitted to do it——

Senator FRAZIER. I am not objecting to it.

Senator BURROWS. Answer, witness.

A. Yes, sir; it was discussed quite generally.

Q. And that was discussed in the session among Democrats a long time before the 26th of May, 1909, was it not?—A. Yes, sir.

Q. And many other Republicans were discussed as candidates or as parties that the Democratic members would vote for, were they not?—A. I can't say that there was; no, sir——

Q. Was Governor Deneen discussed as a candidate for United States Senator that the Democrats, or many of them, would vote for?—A. I don't think that very many of the Democrats at that time would have voted for Deneen.

Q. He was discussed among some of them, was he not?—A. I think probably he was.

Q. Senator Lorimer's name was discussed among the Democrats a great deal a considerable time before the 26th of May, was it not?—A. As well as I remember, probably a week or ten days was the first discussion I heard.

Q. Senator Lorimer stated that he would not be a candidate and would not permit his name to be used at that time?—A. I don't know that he ever said that.

Q. It was understood there that he would not be a candidate and did not want to be voted for?

Senator BURROWS. The witness says he doesn't know.

Q. Did you, when Browne asked you if you could vote for a Republican, did you then ask him what Republican he had in mind, and did he say William Lorimer, then a member of Congress?—A. I don't remember of that kind of a conversation with Browne.

Q. Did you say in substance to Mr. Browne that you would rather vote for William Lorimer for United States Senator than any other Republican you knew, if it would not be objected to by the Democrats in your district?—A. I don't think I ever said that to Mr. Browne.

Q. Did you say that in substance?—A. I don't think I did; not that I remember of.

Q. And did Browne say to you, "Now, Becky, I don't want you to do anything in the way of voting for Lorimer or anybody else that will hurt you in your senatorial district among your Democratic friends?" Did he tell you that?—A. I don't recollect any such conversation.

Q. You did ask him what Democrats he knew of that would vote for William Lorimer for Senator, didn't you?—A. Yes, sir.

Q. And did you tell him after he showed you that list that if those on that list voted for William Lorimer for Senator that you would?—A. I think I told him that if I could satisfy myself that those on the list he read me would vote for Senator Lorimer that I would vote with them.

Q. You went back to your senatorial district, your home there, Friday or Saturday night, and remained until Monday night or Tuesday morning, didn't you?—A. Yes, sir.

Q. And did you go back to your senatorial district after William Lorimer's name was being discussed as a probable candidate for United States Senator, and did you consult with a number of your Democratic friends in your senatorial district to ascertain how your voting for Senator Lorimer for United States Senator would be taken there?—A. I don't think I ever mentioned Senator Lorimer's name at home; I did, however, mention the question of voting for a Republican at home to some of the boys.

Q. Some of the leading Democrats of your senatorial district?—A. Yes, sir.

Q. When was that?—A. That was probably a week or such a matter before the election of Senator Lorimer.

Q. Was it not ten days or two weeks before?—A. Well, probably it was, it began to look like somebody was going to be elected, then I began to talk about it at home. When it looked like it might be a serious proposition that some one was going to be elected.

Q. There were a great many farmers in the legislature at that time, were there not?—A. I don't really know how many farmers there were.

Q. And they were all anxious to get through with their work and get away and get back home, then being the period of time when the legislature had generally adjourned?—A. We all were tired of the session, there is no doubt about that.

Q. All wanted to get home and wanted to elect somebody?

Mr. AUSTRIAN. How can he tell whether they wanted to elect somebody. I object.

Q. Was not that a matter of general discussion by you and others?—A. Well, it was discussed considerably; yes, sir.

Q. Prior to that time; that is, prior to the time when you were talking or at the time you were talking with prominent Democrats of your senatorial district, and discussing the candidacy of Republican and Democratic votes for a Republican, did anybody offer you or promise to pay you any money or other thing of value for voting for Senator Lorimer?—A. No, sir.

Q. When did you say you had this talk with Lee O'Neil Browne the last one before the 26th of May?—A. My best recollection is that it was two nights before the election of Senator Lorimer, which would make it the 24th; that is my recollection of it.

Q. Did you tell Mr. Browne at that time—Lee O'Neill Browne—that you would vote for Senator Lorimer for United States Senator at that conversation? Did you tell him that?—A. That was the conversation that I told him—if I could satisfy myself that that list he produced, if they would vote for Senator Lorimer that I would go with them.

Q. Did you satisfy yourself that they would vote for him?—A. I went down, partly that night and partly the next day, and talked to quite a number of the boys, and found out that the most of that list or practically all of it were going to vote for Senator Lorimer.

Q. Up to that time did Lee O'Neill Browne or anybody else, directly or indirectly, offer you or promise to pay you any money or other thing of value if you would vote for Senator Lorimer, or give you anything if Senator Lorimer was elected?—A. No, sir.

Q. Did Lee O'Neill Browne, at any time or at any place before Senator Lorimer was elected on the 26th day of May, 1909, ever te

you that he or anybody else would give you any money or other thing of value afterwards if you did vote for Senator Lorimer?—A. No, sir.

Q. Did you vote for Senator Lorimer for United States Senator?—A. I did.

Q. Did you vote for him because of any promise, agreement, or understanding, directly or indirectly, from anybody or from any source that you would receive anything of value for voting for him or after you had voted for him?—A. I could not say that I did; no, sir.

Q. What is the fact? I don't know whether you can say it or not; I want the truth.—A. No, sir.

Q. No, sir; you say?—A. Yes, sir.

Q. Were you willing to vote for Senator Lorimer for United States Senator without regard to any money or compensation or other thing of value being given to you by anybody?—A. Yes, sir; I was willing to go with the majority of the boys any place at any time.

Q. Was there anything in the way of money or compensation or anything of value that was held out to you or promised to you or indicated to you in any way by Browne or anybody else or from any other source to induce you in any degree to vote for William Lorimer for United States Senator on the 26th day of May, 1909?—A. No; there was not.

Q. There was not?—A. No, sir.

Q. Do you know or do you think or do you believe or had you any indication that if you did vote for Senator Lorimer for United States Senator that you were to be paid anything of value afterwards?—A. No, sir.

Senator Burrows. Proceed, Judge.

Judge Hanecy. Yes, Mr. Chairman; I am looking through the testimony here.

Q. Mr. Beckemeyer, were you sent for by the state's attorney of Cook County after the contract was entered into between the Tribune Company for the publication of White's part of the story? Were you called here by the state's attorney of Cook County?

Mr. Austrian. There are two questions; which do you want answered? I submit that counsel can not put a question with a hidden innuendo in it and then chop it off, and then have the witness answer one way or the other.

Judge Hanecy. There is no hidden innuendo in the question.

Mr. Austrian. We agreed it was April 30 not fifteen minutes ago.

Q. Were you called in here by the state's attorney of Cook County after the publication of the White story, or a part of it?—A. I was subpœnaed to appear before the grand jury.

Q. In Cook County?—A. Yes, sir.

Q. Did anybody come to Chicago with you?—A. Yes, sir.

Q. Who was it?—A. Mr. Welch.

Q. What is his name?—A. G. N. Welch.

Q. George?—A. No; Guilford.

Q. He is the man that was referred to as being with you when you went to Abram's saloon?—A. Yes, sir.

Q. The same man?—A. Yes, sir.

Q. Did he go with you to the state attorney's office?—A. Yes, sir; he went with me to the criminal court room.

Q. Will you tell us the name—did you meet the state's attorney or his representative?—A. I did.

Q. Did you meet the state's attorney?—A. Yes, sir.

Q. Did you talk with him?—A. Yes, sir.

Q. Did he tell you what he wanted?—A. Yes, sir.

Q. What did he tell you?—A. He said he wanted me to appear before the grand jury.

Q. Did he talk with you about what he wanted you to testify to before the grand jury?—A. No, sir.

Q. Was there anybody with the state's attorney at the time—any of his assistants—Victor Arnold, Mr. Wayman, or Mr. Marshall?—A. He took me in.

Q. Was there anybody present but Mr. Welch and Mr. Wayman?—A. I don't know whether Mr. Welch was present. I went to his door from the criminal court building, and told Mr. Wayman I was at his service.

Q. Did Mr. Wayman ask you whether you had been paid anything of value or promised anything of value to vote for Senator Lorimer?—A. I don't know whether he did at that time.

Q. Did he talk about it, or indicate that he wanted information from you at that time upon that question?—A. I think afterwards some time during the day.

Q. At that time?—A. At that particular time?

Q. Yes, sir.—A. No, sir.

Q. Did you tell him at that time that you never got any money or other th ng of value for voting for William Lorimer for United States Senator?—A. I don't think I did.

Q. Did you meet the state's attorney after that in relation to that subject matter?—A. I never met the state's attorney, except just a minute or two until I met him in the back room of the grand jury room.

Q. Was he alone?—A. No, sir; Victor Arnold was with him.

Q. One of his assistants?—A. Yes, sir.

Q. Was the assistant state's attorney in charge of the grand jury at that time?—A. Yes, sir.

Q. Was Welch with you?—A. No, sir; he was not with me at the time.

Q. Was there anybody with you?—A. No, sir.

Q. Did you have a talk with Mr. Wayman or Mr. Arnold at that time?—A. Yes, sir.

Q. About this subject-matter?—A. Yes, sir.

Q. Did they ask you there—one of them ask you—whether you ever had received anything for voting for William Lorimer for United States Senator?—A. They did.

Q. What did you tell them?—A. At that particular time I made a complete statement to them; about the same statement I have made here.

Q. Did you not tell them at that time that you had never received any money or other thing of value for voting for William Lorimer for United States Senator?—A. I don't remember that I did.

Q. You don't remember that?—A. No; I do not.

Q. Did you tell it to Mr. Wayman or Mr. Arnold at any time prior to that particular time that you now seem to have in mind?—A. Well, I think we met and the first talk with Mr. Arnold was a denial of having got anything at all; yes, sir.

Q. That is what I wanted to know?—A. Yes, sir.

Q. Before you were taken down before the grand jury of Cook County did you tell Mr. Wayman, Mr. Arnold, Mr. Marshall, or any other assistant or representative of the state attorney's office that you had never received any money or other thing of value for voting for Senator Lorimer, either before or after voting for him?—A. I don't know, I think I denied knowing anything about it; not the exact language you are using.

Q. I didn't ask you to use the exact language.—A. I denied it; yes, sir.

Q. Didn't you tell him or them that you never received any money or anything of value for voting for William Lorimer for United States Senator?—A. Yes, sir; I did.

Q. Then were you taken before the grand jury that was then in session as a witness?—A. I want to get straight on being over there that day, now. If I remember correctly, I never had talked with Mr. Wayman or Mr. Arnold about this matter at all before I appeared before the grand jury.

Q. I don't care whether the same day or not. The time I was talking about was before you went into the grand jury room?—A. As well as I remember, I do not think I ever had any talk with him before I went into the grand jury room.

Q. Did they take you to the grand jury room?—A. Yes, sir.

Q. Will you be kind enough to tell this honorable committee the date of that?—A. I don't know the date.

Q. About the date?—A. It was a week or so after the publication of the story in the Tribune.

Q. Was that the same day you arrived in Chicago, or some later date?—A. I went before the grand jury twice, I think, or three times.

Q. The first time?—A. The first time was the same day I arrived in Chicago.

Q. When you were taken before the grand jury before the state's attorney were you asked about whether you had been paid anything or promised anything or offered anything for voting for William Lorimer for United States Senator?

Mr. Austrian. I object.

Judge Hanecy. There is no rule, Mr. Chairman, that any witness who testifies before a grand jury can not tell what he testified to here. There is a rule here that grand jurors can not tell what took place before them, but there is no rule of that kind as to witnesses. The common law rule prevails here and prevails wherever the common law is enforced—that what a witness or other parties appearing before a grand jury that they may tell what they testify to or heard anybody else testify to, if they heard any testimony. The rule is here and in all common law states that you may impeach what any witness testified to before a grand jury.

(Last question read by the stenographer.)

A. I was not.

Q. Didn't you say anything about whether you did receive anything for voting for Senator Lorimer for United States Senator at that time before that grand jury?

Mr. AUSTRIAN. I object.

Judge HANECY. He may have told without being asked.

Senator BURROWS. Answer the question.

A. The first time no question of that kind was asked.

Q. When did you go the next time before the grand jury?—A. I think possibly in the afternoon of that same day; it might have been the next day, I am not sure about that. I think it was that day, that is correct, in the afternoon.

Q. Did you testify before that grand jury on that occasion in relation to receiving or not receiving anything for voting for Senator Lorimer for United States Senator?

Senator HEYBURN. I do not think it is proper for us to hear testimony as to what a witness testified to before a grand jury. I do not believe it is good morals to sit in judgment upon the conclusions of the grand jury, and that is what is amounts to, and I desire to enter my protest against it as a violation of the best rule.

Judge HANECY. I have no desire, Mr. Chairman or gentlemen, to do anything that any member of this committee desires that I should not do. I beg the privilege of suggesting why I want this, then if this honorable committee does not agree to it going in I shall very readily desist. I propose to show here that this witness was taken before the grand jury and was sworn and testified that he never received any money or other thing of value for voting for William Lorimer for United States Senator, either before he voted or after he voted.

Senator HEYBURN. He testifies to that now.

Judge HANECY. Then he was taken out of the grand jury room and put in charge of Police Officer Keeley, city police officer assigned to duty in the state attorney's office and then acting as police officer under the direction of the state's attorney. That he was taken down stairs and out into the custody of Mr. Keeley and met Mr. Welch, his friend, and Mr. Arnold, or another assistant state's attorney——

Senator FRAZIER. That did not occur before the grand jury. Instead of you testifying about it, why don't you let the witness testify about it?

Judge HANECY. I want to show the connection; I do not want it to appear that I am leaving any link of the chain out, so that they can not say at any time, Why was it left out?

Senator BURROWS. The Senator wants the witness to make the statement, and not you.

Judge HANECY. That is what I want. I was doing this when there was an objection or protest on the part of a member of this committee.

Senator HEYBURN. I did not object to disclosing what occurred between this witness and the officer outside. My objection applied only to what he testified to before the grand jury.

Judge HANECY. That is a very important link.

Senator PAYNTER. Can a witness be indicted for committing perjury before a grand jury?

Judge HANECY. Yes, sir.

Senator PAYNTER. How would you prosecute him unless the facts were disclosed?

Judge HANECY. That is what I say. There is no rule in this State hat you can not prove in a trial or any investigation that a witness r party did testify thus and so or did not. That is the only way ou can do.

Senator HEYBURN. There is no question at all about it, if you can isclose the testimony before a grand jury it goes to the integrity of he proceedings before that body. In the jurisdiction where I have een accustomed to deal with these questions those are the exceptions) the rule.

Mr. AUSTRIAN. It is the same rule here.

Judge HANECY. There is no rule of that kind here or in any other lace where the common law is in force.

Senator FRAZIER. Go on with the witness.

Judge HANECY. May I proceed then?

Senator BURROWS. Yes.

Q. Did you testify before the grand jury that you did not receive ny money or anything of value for voting for Senator Lorimer?

Mr. AUSTRIAN. Does the committee rule that is proper? I just ask ie question; I didn't know what the ruling was.

Senator BURROWS. He can answer the question.

A. I never at no time denied before the grand jury not having eceived any money.

Q. Did you tell the grand jury that you were never promised any ioney before you voted for Senator Lorimer, and that you never nderstood that you were to get any money, and were not induced) vote for Senator Lorimer by any promise, agreement, or under- anding? Did you testify to that before the grand jury?—A. No, r; I did not.

Q. What did you testify to there before the grand jury at the time ou did testify?

Mr. AUSTRIAN. I object to that. You can not call the grand jurors) disclose what he testified to before the grand jury. You can not ill the State's attorney to disclose what he testified to. That is the iw. No matter what counsel on the other side may say, I state that the law. If I had known this question would arise I would have ad the authorities here.

Judge HANECY. That is not the law.

Mr. AUSTRIAN. There is but one time that you can disclose the stimony taken before a grand jury, and that is where you indict a an for perjury committed before that grand jury.

Judge HANECY. The Browne case is a complete refutation of that. he State's attorney and the foreman of the grand jury told what ook place before the grand jury in the trial of The People against rowne.

Senator HEYBURN. Was that for perjury committed before the rand jury?

Judge HANECY. No, sir; he was called to show the condition of the itness and what he said, and that is what I am going to do here ow.

Mr. AUSTRIAN. If Judge Hanecy will read one line that that grand iror testified as to what the witness said I will say to you that I n wrong and he is right—just one word of testimony. The fore- an of the grand jury was called, and he testified as to whether or

not he ordered a witness into custody and whether or not the man was drunk when he testified before the grand jury.

Senator GAMBLE. That was the foreman; that doesn't apply to a witness.

Judge HANECY. A grand juror takes an oath that he will not disclose the evidence before the grand jury. It does not bind him that he will not tell what somebody else said or did, but he is precluded from telling what the evidence before the grand jury was on any subject pending before them.

Senator GAMBLE. I think the statute, as a rule, generally covers it.

Judge HANECY. It doesn't here. In this Browne case they called the foreman of the grand jury, and he testified as to the condition of this witness—as to whether or not he was drunk or sober.

Mr. AUSTRIAN. But nothing that took place in reference to his testimony.

Judge HANECY. I never was in the Browne trial.

(Last question read by the stenographer.)

Q. In relation to your voting for Senator Lorimer?

Senator BURROWS. You may state.

The WITNESS. Does the committee desire that I state what I testified to before the grand jury?

Senator BURROWS. Bearing on that subject.—A. I can't say that it was discussed much.

Senator BURROWS. Did you say anything in relation to that?—A. About what I stated that I received $1,000 from Browne afterwards.

Mr. AUSTRIAN. Let him state the entire conversation.

Senator BURROWS. Will you state what was said upon that subject by you?—A. I think about all that I said was that I received $1,000 that was supposed, as I understood, to be Lorimer money. I think that is about all. I was not before the grand jury ten minutes.

Senator BURROWS. It makes no difference how long you were there but what you said is desired.—A. That is the substance of what I said; that is, as well as I remember.

Q. Was that the first or second time?—A. The second time.

Q. How many times were you before the grand jury?—A. Wait—that may have been the third time; I think I was before the grand jury three times.

Q. Did you tell anything the first time about whether you got anything for voting for William Lorimer or were promised anything?—A. I did not; it was not discussed.

Q. The second time, did you tell?—A. I really don't remember whether it was the second or third time that that particular thing was discussed?

Q. The second time you went was in the forenoon, was it not?—A. No, sir; in the afternoon.

Q. Were you taken out of the grand-jury room and put in the custody of an officer the first time you went there?—A. Yes, sir.

Q. Who was the officer?—A. Well, immediately—I went to dinner with Officer Keeley; I went to dinner with him.

Q. Who put you in his custody?—A. Why, the foreman of the grand jury, as I understand it.

Q. Mr. Beckemeyer, the foreman of the grand jury, stated——

Mr. AUSTRIAN (interrupting). Is counsel testifying? He said the foreman of the grand jury, as I understand it.

Q. Was there any indictment against you at that time?—A. No, ir.

Q. Any charge against you?—A. Not that I know of.

Q. Any complaint or warrant, or anything of that kind?—A. No, ir; not that I know of.

Q. Didn't Officer Keeley take you out to a lunch or to a meal?—A. Ir. Keeley and I went to dinner.

Q. Did anybody go with you?—A. Mr. Keeley; yes, sir.

Q. Anybody else?—A. No, sir.

Q. Where did you go?—A. To the Kaiserhof Hotel.

Q. On Clark street?—A. Yes, sir.

Q. What meal did you get there?—A. I judge it was 2 o'clock inner.

Q. A 2 o'clock meal.—A. Yes, sir; a lunch.

Q. Mr. Welch was not with you then, was he?—A. We met Mr. Velch at the hotel.

Q. Sitting at another table? This Mr. Welch was a friend of ours from your town?—A. Yes, sir.

Q. Did Mr. Welch come over and sit at the table with you and Keeley?—A. No, sir; we went—Mr. Keeley was sitting at the table nd we went and sat down with him.

Q. Did you talk there to the officer, Mr. Keeley, and Mr. Welch bout your voting for Lorimer, or any promise you got to vote for orimer?—A. I don't remember now whether we had a conversation t the table or not; I am not sure.

Q. Did this conversation take place now while you were sitting the Kaiserhof Hotel the day before you appeared before the grand ury; did Mr. Welch at that time and place say to you, "What are ey doing to you over there?" and did you say in response thereto, I don't know what they want me there for. They want me to tell mething I don't know;" and did Welch then say to you, "Well, if ou don't know, what are you talking about; you had better keep our mouth shut," and then did Police Officer Keeley interrupt and y, "You must not talk about this case while with me." Did that nversation take place on that occasion?—A. I don't know; part of at did; yes, sir.

Q. Did the substance of it?—A. The substance of it; yes, sir; owever, I don't think all of that took place at that particular time.

Q. Now, after you went—or may I go back a moment—when you ere put into the custody of Officer Keeley, did he receive any direc- ons from anybody as to what he was to do with you?—A. Not that know of.

Q. Was he told to take you out to lunch and take you out and treat ou good?—A. That I don't remember; I think possibly some one id, "Take this man out to dinner." I don't remember what the nversation was between him and Mr. Arnold. I think Mr. Arnold id he were at the door and I had walked away.

Q. Whatever the direction was to Officer Keeley in relation to you as given by Assistant State's Attorney Arnold, was it?—A. At at time I think it was; yes, sir.

Q. He was the assistant in charge of the grand jury?—A. Yes, sir.

Q. Now, was this question asked you, and didn't the assistant ate's attorney say to Mr. Keeley, the officer, in your presence, to ke you out and take you to a good place and treat you right and

bring you back at 2 o'clock?—A. Well, I think possibly there was something of that kind said.

Q. Then Officer Keeley took you out and took you across the street, and you went into some saloon and got one or two more drinks, didn't you?—A. More drinks?

Q. One or two?—A. I think possibly we had a drink at that saloon.

Q. A drink of whisky, was it not?—A. I think so; I am not sure.

Q. Did you have more than one drink of whisky?—A. No; I think not.

Q. That was on the North Side?—A. That was to the criminal court building.

Q. The Kaiserhof is out on the South Side?—A. Yes, sir.

Q. Did you walk from the North Side to the Kaiserhof House on the South Side?—A. I think so.

Q. Did you stop in several saloons on the way and get other drinks?—A. I don't remember of stopping—I think possibly we stopped at a saloon or two; we were trying to find Mr. Welch. There a few places he occasionally stopped at, and I think we stopped in those places to see whether he was there.

Q. Those places were saloons?—A. Yes, sir.

Q. You got a drink of whisky into each place you went into looking for Welch, didn't you?—A. I don't think so.

Q. Did the officer treat you or did you treat him?—A. I don't remember that; I think I bought about as many as he did.

Q. Do you remember what you drank?—A. Where?

Q. At the different places before you got to the Kaiserhof?—A. I don't remember what I did drink.

Q. Do you remember how many times you drank?—A. No, sir.

Q. Then you went to the Kaiserhof and sat down there in the bar, did you?—A. Yes, sir.

Q. And you saw Welch there?—A. Yes, sir.

Q. And you and Welch and the officer sat at the same table?—A. Yes, sir.

Q. Did you drink there?—A. I think we drank a bottle of beer with our dinner.

Q. Anything else?—A. No.

Q. Did you drink anything else after that before you went before the grand jury?—A. If we did, I don't remember it; I don't think I did.

Q. Then they took you back to the grand jury room at 2 o'clock, didn't they?—A. I would not say it was 2 o'clock; it was after dinner.

Q. For the 2 o'clock session?—A. Yes, sir.

Q. That was the third time?—A. No, sir.

Q. The second?—A. Yes, sir.

Q. The morning being the first time?—A. Yes, sir.

Q. And the afternoon was the second time?—A. Yes, sir.

Q. Then you testified there, didn't you?—A. Yes, sir.

Q. Do you remember what you told the jury?

Mr. AUSTRIAN. I desire to enter the same objection.

Q. Do you remember what you told, simply?—A. I think I remember some I told; yes, sir.

Q. Did you take two more drinks of whisky after you left the Kaiserhof on the way to the criminal court?—A. I don't think I did; I don't remember.

Q. Did you say, on the way back to the criminal court building om the Kaiserhof, to Officer Keeley, "I would like to have you sten to me; I don't know what to tell those people? I never got a nt for voting for Senator Lorimer from anybody. They want me tell something that I don't know. If I don't tell them what I want ey will indict me, and get me into trouble for nothing." Did Officer eeley then say to you——

Mr. AUSTRIAN. The proper way is to separate the question.

Senator BURROWS. Proceed with the question.

Q. (Continuing.) Did Officer Keeley then say to you, "Keep your oubles and tell them to the grand jury; I don't want to hear them." hen did you say, "I can't tell them anything about it, because I n't know anything about it. I never got any money from anyone. hat is the matter? Is Wayman on the outs after Lorimer elected m?" Did that conversation take place between you and Officer eeley?—A. Some of it took place; I don't think all of it did.

Q. What did not take place?—A. I don't just recall now the read- g of the question, but some I don't think took place.

Q. Can you designate any particular part? I would like to have u listen to me. "I don't know what to tell those people. I never t a cent for voting for Senator Lorimer from anybody." Did you y that?—A. I think the last part of that I denied to Mr. Keeley at I ever got any money; I think that is true.

Q. Then did you add: "They want me to tell something that I n't know. If I don't tell them what they want they will indict me d get me into trouble for nothing."—A. I don't think I said that Mr. Keeley at all.

Senator BURROWS. Do you remember whether you did or not?— I am satisfied that I did not.

Q. Then did Mr. Keeley say to you, "Keep your troubles and tell em to the grand jury; I don't want to hear them." Did he say at?—A. I think, possibly, in talking to Mr. Keeley, he gave me at kind of advice.

Q. Didn't he give it to you when you told him what I have read?— I don't remember any such conversation as that particular part that.

Q. Then did you say to Mr. Keeley, "I can't tell them anything out it, because I don't know anything about it. I never got any ney from anyone. What is the matter? Is Wayman on the outs ter Lorimer elected him?"—A. Well, now, the first part I think denied to Keeley of ever having got any money.

(Last question read by the stenographer.)

A. I think I denied to Mr. Keeley that I ever got any money. I obably denied that.

Q. Did you say: "What is the matter? Is Wayman on the outs ter Lorimer elected him?"—A. I think possibly I asked him that estion.

Senator BURROWS. Is that all?

Judge HANECY. No, Mr. Chairman.

Q. Then you went before the grand jury that afternoon, didn't u?—A. Yes, sir.

Q. Then when you came out from the grand-jury room you went wnstairs and met Welch, didn't you?—A. I met him some time at afternoon after I had been before the grand jury; yes, sir.

Q. You were still in the custody of Officer Keeley?—A. Yes, sir; I guess so.

Q. And you were kept in the custody of Officer Keeley for how long after that?—A. Well, I think all that night and the next morning.

Q. How long after that were you in the custody of Officer Keeley and other officers connected with the State's attorney's office?—A. After the grand jury was through with me an officer went down home with me.

Q. That is what I mean. The same Officer Keeley or some other officer of the State's attorney's office had you in custody continuously here in Chicago, day and night then, and after you left here and went down home an officer still kept you in custody down there, didn't he?—A. An officer went down home with me and then went with me from home into Indiana and stayed there a week.

Q. That was so you could not be taken before another grand jury, was it not?—A. I think possibly it was; yes, sir.

Q. Up to that time had there been any indictments for any purpose at all?—A. There had not; no, sir.

Q. When you came downstairs—when you met Welch after you came downstairs from the grand-jury room—did you say to Welch: "Well, I told them what they wanted me to tell them," and didn't Welch say to you, "Well, what did you tell a lie for?"

Senator BURROWS. Let the witness answer that.

Q. After you came downstairs and met Welch, did you say to Welch, "Well, I told them what they wanted me to tell them;" did you say that or that in substance?—A. Well, I don't know that I said that, partly, the substance of it; yes, sir.

Q. Did Welch say to you, "Well, what did you tell them a lie for?"—A. Welch asked me that question.

Q. Didn't you say to Welch, "Well, I didn't want to get into trouble myself?"—A. No, sir.

Q. Did you say that in substance?—A. No, sir.

Q. Did you give him any reason why you made no answer to his statement, "Why did you tell them a lie for?"—A. I gave him no reason, absolutely none.

Senator PAYNTER. What response did you make to Mr. Welch when he made that statement: "Why did you tell a lie?"—A. I don't remember that I made any particular response to that question at all that I remember of.

Q. When you went out of the grand-jury room and met Welch, did Wayman tell Officer Keeley what to do with you?—A. I don't know whether he did or not.

Q. Did not Wayman tell Keeley in your presence and that of Welch to take you and Welch out, and take you to any place you wanted to go, to the best hotel in Chicago if you wanted it?—A. Yes, sir; he told him to take us to a good hotel.

Q. Then where did you and Welch and Officer Keeley go?—A. I think we went to the Illinois Athletic Club.

Q. And had dinner or supper there? The evening meal?—A. Yes, sir.

Q. After that, where did Keeley take you?—A. We went to the Grand Pacific or the Grand Southern, I don't know which, and from there we went to some other place; I don't know where.

Q. Did Officer Keeley tell you that some member of his family were going away and he wanted to go to the station?—A. Yes, sir; to some depot here.

Q. How long were you in Chicago on that trip?—A. I don't remember.

Q. After you got back from the station that night—from the Union Station—were you taken to the Princess Theater, you and Welch by Officer Keeley?—A. Welch was at the Princess Theater; we wanted to get Welch.

Q. You went to the theater and you saw the play?—A. Yes, sir.

Q. You had several drinks after that during that time, didn't you?—A. Yes, sir.

Q. And you left the play after or during the first act, didn't you?—A. We didn't get in in time for the first act; probably the second or third act we got in, and then left during that act.

Q. And you asked them to take you to a certain place, I don't ask you where, but you asked them to take you a certain place—asked the officer to take you to a certain place, didn't you?—A. No, sir.

Q. To a certain class of place; not a specific place?—A. No, sir.

Q. Did he take you to a certain place?—A. I don't know.

Q. Is that because you were so intoxicated you could not know?—A. No, sir; I was probably—I had a few drinks; was probably under the influence of liquor, but not so as not to know where I was at. I could not know; that was my first trip in reality to Chicago, and I could not know whether the North Side or South Side.

Q. You didn't go to a hotel?—A. I supposed it was a hotel.

Q. You afterwards knew it was not?

Mr. AUSTRIAN. I object.

Q. The next morning when you and Officer Keeley and Welch, your friend, got up, you went out and got shaved and washed and then went downtown, did you?—A. Yes, sir.

Q. Now, the next morning when you awoke, is it not a fact that you stated to Mr. Welch and Officer Keeley that you would have to go right down and see Wayman and ask Wayman what you had said to the grand jury, because you didn't remember?—A. No, sir; I did not.

Q. You didn't say that?—A. No, sir.

Q. Did you say that in substance?—A. I might have said something of that kind; I don't know.

Q. Didn't you say that in substance? I don't care about the specific language, but the substance of that?—A. I might have.

Q. Don't you know you did?—A. No; I do not.

Q. You might have?

(No answer.)

Senator BURROWS. Are you through with this witness?

Judge HANECY. No, Mr. Chairman.

Q. Do you remember of meeting Michael Link, a member of the same house with you, at the office of the State's attorney in the criminal court building?—A. Yes, sir.

Q. A week prior to the first trial of the Browne case?—A. Yes, sir.

Q. You had a conversation with Mr. Link, didn't you?—A. Yes, sir.

Q. You and he were alone in that office at that time, were you not?—A. Yes, sir.

Q. You were over there, you and Link; called there as witnesses in the Browne case, weren't you?—A. Yes, sir.

Q. At that time and place did you say to Link, "Mike, our testimony ought to fit in this case." And did Link say to you, "No; I won't testify the way you are going to. I promised to vote for Lorimer, and was never promised anything for it. I told Lee that I would vote for Lorimer a week before Lorimer was elected." And did you say to Mike Link at that time and place, or did he say to you at that time and place, "Becky, I don't believe any money was put up for Lorimer votes; I was not promised any money for voting for Lorimer, and I never got any money. Nobody ever gave me any Lorimer money, or any money for voting for Lorimer." And did you say to Link, "Yes, Mike, I believe that is right; I didn't get any money, and I don't believe that Lorimer ever put up a nickle, or any body else ever put up a nickle for Lorimer." Did you have that conversation with Mike Link?

Mr. AUSTRIAN. I submit that it is improper to ask a witness such a question as that, where you say, Did you say so and so, and did he reply so and so to you.

Senator BURROWS. Can you answer that question?—A. No, sir; couldn't answer that question.

Q. Shall I read it separately?—A. If you want me to tell the conversation we had there, I can tell you that.

Q. You met Link there?—A. Yes, sir.

Q. And had a conversation with him?—A. Yes, sir; I can tell you what the conversation was or the substance of it.

Senator BURROWS. How much longer will your examination take?

Judge HANECY. Probably twenty minutes or half an hour.

Mr. AUSTRIAN. Before we adjourn. I submitted to the committee and counsel on the other side five or six or seven days ago a statement as to the complexion of the Illinois legislature, as to the number of Democrats and the number of Republicans, the date of the votes, the number of the votes, etc. Now, if counsel does not like my condensation, I am willing he should make one; that is the best I can do.

Senator BURROWS. The committee asked that counsel would agree upon the political affiliations of the members of the legislature, both the senate and the house.

Judge HANECY. That is in the record too.

Senator BURROWS. We will take a recess until 2 o'clock.

AFTERNOON SESSION.

THURSDAY, *September 29, 1910.*

Committee met pursuant to adjournment, and the following proceedings were had:

Senator BURROWS. The committee will now please come to order. You may proceed with your examination, judge.

H. J. C. Beckemeyer resumed the stand for further cross-examination by Judge Hanecy, and testified as follows:

Q. Mr. Beckemeyer, you said you were at Abraham's saloon on the West Side, and I want to know when it was with reference to the time you first went to the State's attorney's office, before or after, the same day?—A. I was at Abraham's saloon in the morning, before I went to the State's attorney's office.

Q. You went from Abraham's saloon back to the State's attorney's office?—A. Yes, sir.

Q. Did you meet Victor Arnold, assistant State's attorney or Thomas Marshall, another assistant State's attorney at that time?—A. I may have, some time during the day; yes, sir. I don't remember about Mr. Marshall, but I remember Mr. Arnold particularly.

Q. Did you not on that morning deny that you had ever received any money from Browne or anybody else for voting for Senator Lorimer?—A. You mean denied it to whom?

Q. To Victor Arnold or Thomas Marshall, one or both of them, assistant state's attorneys?—A. I do not remember that I did. I do not think that I did, because I don't think that I had any conversation with them that morning.

Q. Didn't you deny that to them?

Mr. AUSTRIAN. I object. He has answered it.

Senator BURROWS. He said he didn't remember.

Judge HANECY. He doesn't remember.

Q. You testified on the former trial—on the former trial, the case of the People *v.* Browne: "Did you not that morning deny that you had ever received any money from Browne or anybody else," and didn't you answer, "I think possibly I did"?—A. Well, I think I denied it that morning, but as to Marshall I don't remember that. I probably did to Mr. Welch that morning. I probably did at Mr. Abraham's saloon.

Q. Didn't you to Victor Arnold or Thomas Marshall, or both of them, either one or both of them, deny that you had received any money for voting for Lorimer; weren't you asked that question at the Browne trial and didn't you answer "I think possibly I did; yes." Didn't you so testify on the Browne trial?—A. I remember the question being asked, but I don't remember that the question was as to that morning early. I might have some time during the day.

Q. What do you say as to whether you did answer to that question on the Browne trial, "I think I possibly did; yes."—A. I probably answered just exactly as your notes say there.

Q. Yes; you probably did.

Mr. AUSTRIAN. Now, counsel repeats the witness's answer every time. I don't see anything to be gained by that, and it only enlarges the record and takes up time.

Senator BURROWS. No; there is no necessity for it.

Judge HANECY. Isn't it a fact when you did deny that you had received any money or other thing of value for voting for Senator Lorimer that you were then put in the custody of Officer Keely? Wasn't it before that you were put in the custody of Officer Keely?—A. No, sir.

Q. Were you asked that question at the Browne trial, and didn't you answer "Yes, sir"?—A. I don't remember whether I did or not.

Q. You don't remember?—A. No, sir.

Q. At that trial, People *v.* Browne, I believe you told us here before the adjournment that you had a conversation with Link over there. I will not go back to that.—A. Yes; I had a conversation with him.

Q. I am now calling your attention to the same time that we were speaking of when this honorable committee adjourned. At that time and place did you say to Link as follows: "Link, our testimony

ought to fit in this case." And did Link say to you: "No; I won't testify the way you are going to. I promised my vote for Lorimer, and was never promised anything for it, and I told Lee I would vote for Lorimer the week before Lorimer was elected." Did that take place between you and Link?—A. That I told Link that—that I told Lee——

Q. Listen to the question. At that time, when you and Link were in the criminal court building, waiting to be called as witnesses in the Browne trial, did this conversation take place between you and Michael Link. Did you say to Link: "Link, our testimony ought to fit in this case." Did you say that to Link?—A. There was possibly something like that said.

Q. Did Link say to you: "No; I won't testify the way you are going to. I promised my vote to Lorimer the week before Lorimer was elected?"—A. There was a conversation of that kind; yes, sir.

Q. Did Link then say to you: "Becky, I don't believe any money was put up for Lorimer votes. I was not promised any money for voting for Lorimer, and I never got any money. Nobody ever gave me any Lorimer money, or any money for voting for Lorimer." Did Link say that to you at that time and place?—A. I think possibly he did.

Q. Did you answer: "Yes, Mike; I believe that is right. I did not get any money and I don't believe Lorimer ever put up a nickel or anybody else put up a nickel."—A. No, sir.

Q. You didn't say that?—A. No, sir.

Q. Do you remember what you did say to Link when Link made that statement that I just read which you remember that he did make to you?—A. I remember the substance of the conversation between Mr. Link and myself.

Q. I say, do you remember what you said after Link made that statement?—A. No, sir; I don't remember what.

Q. And you don't remember what you said in reply?—A. No, sir.

Q. You did say something in reply?—A. I think possibly I did. Our whole argument at that time was which one of us, after our confession, was the better off with our constituents at home. Mike insisted that he was a good deal better off in the eyes of the public than I was. That was the whole argument between Mr. Link and I.

Q. Had Mr. Link also been indicted for perjury at that time?—A. I think possibly he had.

Q. He had testified before the grand jury and denied he had received any money, and was then indicted—is that the time?

Mr. AUSTRIAN. I object. Has this committee ruled that this witness can testify what took place before the grand jury when Link was there?

Judge HANECY. The conversation took place.

Mr. AUSTRIAN. No; just read the question.

(Question read.)

Judge HANECY. I only refer to that to fix the time.

Mr. AUSTRIAN. I object to it because it incorporates in it something we have not yet in evidence.

Judge HANECY. I am not asking, Mr. Chairman, to have it go in but simply——

Senator BURROWS. If you don't care about it, it may be stricken out

Judge HANECY. I want to direct his answer to the time when he and Link had that conversation, and whether that was before or after Link was indicted.

Senator BURROWS. Ask him directly, then.

Mr. AUSTRIAN. There is not a question before the witness that the committee has held is proper. He asked him whether that was the time that Link was before the grand jury and testified that he didn't receive anything for his vote.

Judge HANECY. Now, this question is under the suggestion of the chairman.

Q. When was this conversation between you and Link with reference to the time that Link was indicted?—A. As well as I remember the conversation that Mr. Link and I had, it was at the beginning of the first trial of Mr. Browne, while we were waiting as witnesses.

Q. Had Link been indicted then?—A. Yes, sir.

Senator BURROWS. That is an answer to the question. He said Link was indicted.

Judge HANECY. How long after?

Mr. AUSTRIAN. After—long after.

Judge HANECY. After Link was indicted?

Mr. AUSTRIAN. Six weeks afterwards.

Judge HANECY. Do you know John Gavin?—A. Yes, sir.

Q. How long have you known him?—A. Well, John was at school in 1904 while I was there.

Q. You knew him at school for several years?—A. Yes, sir.

Q. Did you meet John Gavin while you were on Michigan avenue, near Fourteenth street, during the week before you testified before the grand jury, and at that time and place did you have a conversation with John Gavin about your being in custody?—A. I had a conversation with John Gavin; yes, sir.

Q. Were you at that time in the custody of an officer?—A. Yes, sir; there was an officer with me.

Q. Who was that officer?—A. Let us see. I think—I think probably Mr. Okey.

Q. Well, it was Okey or O'Keefe?—A. I think it was Okey. O'Keefe was never with me.

Q. Okey was one of the officers from the State's attorney's office, was he? Yes, sir.

Q. It was the same custody, with only a change of officers, that you referred to in your testimony here this morning; that is right, isn't it?—A. Yes, sir; I suppose it is so.

Q. Did John Gavin say to you: "Are you in custody?" And did you say "No?"—A. I think something of that kind; yes, sir.

Mr. AUSTRIAN. Keep your voice up.

Judge HANECY. Did John Gavin say to you: "What are you doing up this way," and did you reply, "We came up here to get away from the newspaper men?"—A. I think so; yes, sir.

Q. Did Gavin then say to you: "Do they even have some one sleep with you," and did you then say, "Not quite, but some one occupied the same room, and he is kept at the hotel?"—A. I think there was something of that kind said—that is the substance of it.

Q. Did Gavin then ask you why you stood for such treatment?—A. I don't remember.

Q. Did he ask you then, after he asked you why you stood for such treatment, did he then ask you whether you were brought in on a capias, and did you then say "No?"—A. I don't remember whether he asked me that question or not; possibly he did.

Q. And if he did, you answered "No?"—A. What?

Q. If he did ask you if you were brought in on a capias, you answered "No?"—A. Yes.

Mr. AUSTRIAN. I object. We can not indulge in the range of speculation any further.

Judge HANECY. Did you then tell John Gavin that they had been down to your town, and you told them at that time you did not know anything about the Lorimer matter and could tell them nothing, and that you came to Chicago on a telegram from the State's attorney? Did you tell John Gavin that?—A. No; I don't think I did.

Q. And did you testify on the Browne trial, in answer to the same question, that you did tell John Gavin that?

Mr. AUSTRIAN. I object. There is a rule of evidence in this State irrespective of the rule heretofore laid down by learned counsel on the other side, with reference to the rules of evidence in this State that if you seek to impeach a witness by a question with reference to a conversation taken place theretofore, you must put the time and the place and the specific question and the specific answer.

Judge HANECY. The time and place—I will go into all of those details if this honorable committee wants me to take up that much time.

Mr. AUSTRIAN. Put the question and the answer, though.

Judge HANECY. I asked him if at the Browne trial the same question was not asked.

Senator FRAZIER. Which trial?

Judge HANECY. The second trial of Browne.

The WITNESS. I don't remember whether that question was asked me or not. I don't have any distinct recollection of all the particulars that Mr. Gavin and I talked about at that time. We only talked for less than two minutes; we just met on the sidewalk.

Q. Well, what do you say; yes or no?—A. Ask the question again.

Q. Did you testify at the second trial of the case of the People of Lee O'Neil Browne in Cook County that they had been down to your town and you told them at that time that you did not know anything about the Lorimer matter and could tell them nothing, and that you came to Chicago on a telegram from the State's attorney, and did you say that to John Gavin—did you testify at the second trial of Browne that you said that to John Gavin?—A. I do not understand the question in the first place. The question can not be answered——

Senator BURROWS. Did you so testify?—A. Did I so testify?

Judge HANECY. Yes.

The WITNESS. I don't know whether I did or not.

Judge HANECY. That is all.

Senator BURROWS. That is the end of it.

The WITNESS. If I did I don't remember it now.

Judge HANECY. At that conversation, didn't you and John Gavin—at that conversation between you and John Gavin on Michigan av

nue that I have just been talking to you about, did Gavin ask you as follows:

What is there to the story that the detective had you in charge; claimed the credit of getting you to confess while you were at lunch at the Kaiserhof?

The WITNESS. Well——

Senator BURROWS. Now, listen to the question and answer it.

Judge HANECY (continuing). And did you say it was not so, and that you made no confession; that you told them on the North Side you never got anything for voting for United States Senator and didn't know anybody who did, and that Wayman was a four-flusher?

Senator BURROWS. Did you so testify?

Judge HANECY. Did you so state to John Gavin at that time? Answer that and then I will come to the trial?—A. That question, as you asked it, can not be answered by yes or no.

Senator FRAZIER. Answer it in your own way.

The WITNESS. He asked me again whether it was Keely that got the confession out of me.

Judge HANECY. Officer Keely?—A. Officer Keely. I answered to that, "No; it was not." That is one of the questions, as I remember, that Mr. Gavin asked me.

Q. Well, did you say to him in your answer to his questions that Keely did not get the confession from you at the Kaiserhof, and did you then add to that that you had made no confession, and that you had told them on the north side that you never got anything for voting for United States Senator and didn't know anybody that did?—A. No, sir; I didn't tell Mr. Gavin that at all.

Q. Did you say to John Gavin, following up that statement, that Wayman was a four flusher?—A. I think possibly that I called Wayman a four flusher that time; yes, sir.

Q. Didn't you say that Wayman, the State's attorney, was a four flusher if he said you did make a confession?—A. Well, I don't remember whether I said it in that way or not.

Q. Well, did you say that in substance?—A. Well, I said I did—I think possibly I called him a four flusher.

Q. What for? Why did you call him a four flusher—didn't you say that he was a four flusher if he, Wayman, State's attorney, said you did make a confession?—A. If you want to know why I called him a four flusher, why, the Inter-Ocean that morning——

Senator FRAZIER. Is it material to us why he called him a four flusher?

Judge HANECY. No; but it is another method of contradicting or showing that this witness denied that he had made any confession, but the publication had been from the State's attorney's office that he had made a confession, and he said, "If Wayman said so, Wayman is a four flusher." I don't care about the offensive term at all, if we can substitute something else for it. There may be some other word, some synonym, that we can use instead of it.

The WITNESS. I didn't say if Wayman said I made that statement that he was a four flusher.

Q. Well, did you say that he was a four flusher?—A. I think I did.

Q. Do you remember what you said as to why you thought he was in that connection?—A. I don't remember the occasion. I know how I come to use the term. I can tell that very distinctly.

Q. At the first trial of the case of People *v.* Browne, was this question asked you, "Did you say to him," meaning Gavin, "it was not so, that you had not made a confession; that you told them on the north side you did not receive anything for voting for United States Senator, and didn't know anything about it;" did you answer in the first trial of the Browne case, "Why, I think probably?"—A. I don't know how to answer that question. I don't know how I did answer it. You know right there how I answered it. I might have answered it as you state.

Q. You might have?—A. I don't know.

Q. The question is right—you remember that question was asked you, don't you?—A. I remember there were a lot of questions, and that might have been asked at that time, but there were a lot of questions that were asked that could not have been answered yes or no, but my answers were absolutely restricted to a yes or no answer without an explanation, without any explanation, but answering it yes or no.

Q. And did you answer, "Why, I think probably?"—A. I don't remember whether I did or not. I would not say whether I did or not, and I would not say for certain that I did not.

Q. After you testified before the grand jury, Mr. Beckemeyer, didn't somebody in the state's attorney's office tell you that you had been indicted for perjury?—A. No, sir.

Q. Didn't you tell John Gavin that, when you did talk to the state's attorney, that you understood and believed you had been indicated for perjury?—A. I don't think I told Mr. Gavin that at all.

Q. Did you tell anybody that?—A. No, sir; not that I know of. I had no reason to tell that to anybody.

Q. Isn't it a fact that you were shown an indictment, what purported to be an indictment on paper, an indictment against you charging you with perjury?—A. No, sir.

Q. You are a married man, Mr. Beckemeyer?—A. Yes, sir.

Q. And you, prior to the time you were subpœnaed, were you a married man?—A. Yes, sir.

Q. At the time you were subpœnaed to come here before the grand jury, was your wife sick or in the hospital or sanitarium?—A. Yes, sir.

Q. She was very sick, wasn't she?—A. Yes, sir.

Q. At that time, or just prior to it, at about that time, or just prior to that time, a very serious operation had been performed upon her, had it not?—A. Yes, sir.

Mr. AUSTRIAN. I object; I object.

Judge HANECY. And you were very much troubled at that time, weren't you, about your wife's health, and your family difficulties at the time you came up here to Chicago?—A. Yes, sir.

Q. And you were sent for several times by friends of yours, by Welch, by friends and others to come home because of the very serious illness of your wife, and her probable insanity or death?—A. No; I don't remember that.

Q. Were you told that she was very sick and you were needed at home?—A. I think there was one time that they said for me to come home?

Q. It was when you were in the custody of an officer?—A. Yes, sir.

Q. When was that with reference to the time you testified before he grand jury?—A. Why, I think it was probably two weeks after hat. I am not sure. May be a week or something like that.

Q. It was a fact, that your wife was very dangerous——

Mr. AUSTRIAN. The witness has gone over that. Repeating it does ıot make it any worse.

Senator BURROWS. Is that all.

Judge HANECY. That is all.

Redirect examination by Mr. AUSTRIAN:

Q. Now, Mr. Beckemeyer, how many times did you testify before he grand jury with reference to the $1,000 concerning which you ave testified on direct examination?—A. I only testified about that nce, I think that is right.

Q. Did you ever change your testimony before the grand jury on hat subject?—A. I don't think that I changed it particularly; I ent back to make some explanation about it.

Q. Did you testify before the grand jury you had received $1,000 ı the same way that you testified to it here?—A. Yes, sir.

Q. The testimony you gave before the grand jury on the first visit efore the grand jury pertained to whether or not you were in St. ouis on the 8th day of July, 1909?—A. Yes, sir; that is all.

Q. The 21st day of July?—A. Yes, sir.

Q. It had nothing to do with the Lorimer vote or Lorimer money t all?—A. No, sir.

Q. You testified upon that occasion that you were not there?—. Yes, sir.

Q. You were indicted or threatened with an indictment for per- ury and you went back before the grand jury and corrected your tes- mony, didn't you?—A. Yes, sir.

Q. And stated that you had been in St. Louis at the time, July 21, if I have the date right, July 15; is that a fact?—A. In substance, mething like that.

Q. Didn't you, upon that second investigation before the grand ury, tell the state's attorney that the hotel registers in the Southern otel would disclose the two times you had been in St. Louis?—A. es, sir; in substance that; yes, sir.

Q. Upon your suggestion and direction were not the hotel regis- rs of the Southern Hotel procured?—A. I don't know whether it as my suggestion. I know they were afterward procured.

Q. Will you look at the hotel registers of the Southern Hotel of ne, 1909, and tell this honorable committee whether or not you can entify the signature I am now pointing to?—A. I can; yes, sir.

Q. Whose signature is that?—A. Mr. Browne's.

Q. What Browne?—A. Lee O'Neil Browne.

Q. Under date of June 21, 1909?—A. Yes, sir.

Q. Was that the day you were in St. Louis?—A. Yes, sir.

Q. And met Lee O'Neil Browne at the Southern Hotel?—A. Yes, r.

Q. And received the thousand dollars you have heretofore testified ?—A. Yes, sir.

Judge HANECY. I object to his going over the same thing again d again, Mr. Chairman and gentlemen.

Mr. AUSTRIAN. I have not gone over it. I have not gone over what was testified before the grand jury at all. That was brought on by a new rule of evidence adduced by counsel on the other side.

Judge HANECY. You are asking him to repeat what he told you on direct examination.

Mr. AUSTRIAN. Mr. Beckemeyer, look at the page of the hotel register of the Southern Hotel of July 15, 1909, the day referred to by you on the day you received the $900. Do you recognize the signature there of Robert E. Wilson?—A. Yes, sir.

Q. Was that the day that you did receive the $900 at the Southern Hotel?—A. Yes, sir.

Q. Mr. Beckemeyer, while you were up here in the custody of an officer did you go home, to your home town, and stay there?—A. Yes, sir.

Q. And you went as and when you wanted to, didn't you?—A. Yes, sir.

Q. Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?—A. There was not.

Q. Or either by the state's attorney or the officer in whose keeping you were?—A. No; there was not.

Q. Did you tell the truth then, as you have told it now?—A. Yes, sir.

Q. And your going before the grand jury on the third visit and that, as I understand you, was the only time with reference to which you have testified about the $1,000 Lorimer money—were you asked to go before the grand jury on that occasion, or did you voluntarily go?—A. I asked permission to go before the grand jury.

Mr. AUSTRIAN. That is all. Just one point. I desire to submit that this committee was misled by the statement as to the rule of evidence in this State with reference to testimony before a grand jury. I personally do not care whether that stays in or goes out, but I desire, so there will be no question about it, that this committee may know the law was not as stated by opposing counsel, but I have the law on this subject, if they should desire to hear it.

Judge HANECY. The testimony did not go in.

Mr. AUSTRIAN. The testimony did go in, and I have it before me.

Senator BURROWS. The matter in controversy is the law. Read it to us if it is not too long.

Mr. AUSTRIAN. I will read from the case of Gitchell *v.* The People (146 Ill., 183). It reads [reading]:

> The statutory injunction of secrecy as to "how any member of the jury voted or what opinion he expressed," is in line with the general policy of the law which is that the preliminary inquiry as to the guilt or innocence of an accused party shall be secretly conducted. In furtherance of justice and upon grounds of public policy, the law requires that the proceedings of grand juries shall be regarded as privileged communications, and that the secrets of the grand jury room shall not be revealed. The reasons, usually given for this requirement in the text-books and decided cases, are to prevent the escape of the accused, to secure freedom of deliberation and opinion among the grand jurors, and to prevent the testimony produced before them from being contradicted at the trial by subornation of perjury (1 Greenl. on Ev., sec. 252).

Then it goes on to give the reasons, and it says; I will just read it [reading]:

> The same principle, which forbids disclosure by the grand jurors, applies to all persons authorized by law to be present in the grand jury rooms, whether

; be their clerk, or the officer in charge, or the prosecuting attorney. (The Peo-
le *v.* Hulbut, 4 Denio, 133; State *v.* Hamlin, supra; 1 Greenl. on Ev., sec. 252.)

Then it cites the case of State *v.* Hamlin:

It was contended upon the argument in the case of The State *v.* Fassett
iat the witnesses called before the grand jury, as they were not sworn to
ecrecy, might testify to what took place before that body, although the grand
irors might not. In answer to that claim, Chief Justice Williams said: "Such
practice would nullify the rule. If it be the object of the law to keep secret
ie proceedings before the grand jury, it is necessary that the law should
mpose silence upon those whom it compels to be before them. If it intends
iey shall be public, then the doors of the grand-jury room as well as of the
)urt room should be open to all. If others called there by law may testify
) what took place within those walls, it would be idle to close the mouths
f the grand jury * * *. And we can have no hesitation in saying that
ie principle which would prevent disclosure by a grand juror must extend
) all persons required by law to be present; for such persons are equally
iterested in the administration of the penal law. (1 Greenl. Ev., sec. 288.)
hey are not permitted to disclose who agreed to find the bill of indictment,
: who did not agree; nor to detail the evidence on which the accusation was
)unded."

That is the law in this State, and it has never been departed from.

Judge HANECY. Mr. Chairman and gentlemen, the doctrine in the rst case, the 146th, is exactly what I said was the law in this State, iat no grand juror, how he voted or how any other grand juror oted. That goes further, and says that no state's attorney or any-ody required by law, etc., and the rest of that is mere *dicta*, and ur reports are full of *dictums*, and there is not an important case i the books of this State, hardly, which has not been changed, modi-ed, or either reversed or taken back again in some other case.

Senator BURROWS. Is Michael S. Link in the room?

(No response.)

Senator BURROWS. Judge, are you through?

Judge HANECY. Just a minute. You answered Mr. Austrian that ou did know, or you did hear, that there was an indictment found gainst you; is that a fact?—A. No; I didn't answer that.

Judge HANECY. May I have the reporter read back? I thought iat question was asked by Mr. Austrian.

The WITNESS. If I did I did not understand the question.

Judge HANECY. He said yes.

Mr. AUSTRIAN. I said, "threatened indictment."

The WITNESS. I think that I did answer.

Judge HANECY. Well, were you threatened with an indictment by ie grand jury?—A. Well, not by the grand jury.

Q. Did somebody tell you that the grand jury would indict you?—. Mr. Arnold talked about that to me.

Q. Mr. Arnold is the assistant state's attorney.

Senator BURROWS. That appears already. It is already in.

Judge HANECY. He was then in charge of the grand jury.

Mr. AUSTRIAN. That has been testified to twice now.

Judge HANECY. Well, that is the same man, Arnold?—A. Yes, sir.

Q. He told you you would be indicted, didn't he?—A. I don't know hether he told me direct that I would, but it was all in a conversa-on that he said that it could be done.

Q. You understood that was probable?—A. That was about the ay he put it at me, yes.

Judge HANECY. That is all.

Senator FRAZIER. Just a few questions.
Senator BURROWS. Very well.

By Senator FRAZIER:

Q. What did Mr. Browne give you $1,000 for on the 21st o June?—A. I could not tell you, except at the time he gave me th money he made the statement that I mentioned before.

Q. What was that?—A. "Here is the Lorimer money, and ther will be some more in a few weeks."

Q. "Some more in a few weeks?"—A. Yes; as I remember tha was his statement. I was only with him in that room for fiv minutes.

Q. And you understood that this $1,000 was paid to you in con sequence of your having voted for Mr. Lorimer for United State Senator?—A. Well, I could not possibly infer anything else.

Q. When you first had the conversation with Mr. Browne, yo say, prior to the time you voted for Mr. Lorimer, was there anythin said by him in that conversation with reference to your receivin anything for your vote for Mr. Lorimer?—A. No, sir; there was no

Q. Was there at any time before you voted for Mr. Lorimer?—A No, sir; there was not.

Q. By either Mr. Browne or by anybody else?—A. No, sir; ther was not.

Q. And when Mr. Browne met you at the station, I believe yo called it Starved Rock?—A. Yes, sir; Starved Rock, somewhere ou here on the Illinois Central.

Q. As I recall your answer, I believe he told you he would have package for you?—A. Yes, sir; that is right.

Q. Was there any explanation made there as to what that packag would contain, or what it would be given to you for?—A. No, si nothing at all; no, sir.

Q. Nothing at all?—A. No, sir.

Q. Did you ask any questions at all?—A. I did not ask any que tions at all.

Q. None whatever?—A. No.

Q. Did he have any occasion to give you a package?—A. No, si

Q. Did you have any dealings with him that would call for th delivery of any package?—A. No; not that I know of.

Q. Some days after that you received a communication from M Browne to meet him in St. Louis on the 21st of June?—A. Yes.

Q. In response to that communication you did meet him?—A. did.

Q. At that time he gave you $1,000, with a statement that it w the Lorimer money?—A. Yes.

Q. Did you take that money and keep it?—A. Yes, sir; I did f awhile.

Q. And you used it?—A. Yes, sir.

Q. For your own benefit?—A. Yes, sir.

Q. And you never gave it back to Browne or anybody else?— No, sir.

Q. Mr. Wilson communicated with you for you to meet him in S Louis on the 15th day of July, and you responded to that commu cation?—A. Yes, sir.

Q. Did he make any explanation as to whether he was representing Browne or anybody else in giving you that $900?—A. Well, I don't know that he made any particular reference that he did represent Mr. Browne. However, I knew——

Q. What did he say?—A. Well, I don't know that there was a great deal said. But I believe he did say, "Browne is sick and he could not come"—I think so.

Q. Browne was sick and he could not come?—A. Yes; something of that kind.

Q. What did he give you the $900 for on that occasion?—A. Nothing said whatever.

Q. What did he give it to you for, as a matter of fact—did he owe you anything?—A. No, sir.

Q. Why did he give you the $900?—A. I don't know; he just handed it to me.

Q. Why were you taking that $900, then?—A. Well, I can answer that by saying that I had heard at times before that there was such things as a divide-up after each session of the legislature.

Q. A divide-up of what?—A. Of some money.

Q. What money, and what for?—A. Well, I didn't know particularly.

Q. Well, what for?—A. I can't explain. I never went into all of the why-for's about this.

Q. It was sufficient to you that you got the money, was it?—A. Well, I did get it and took it; yes.

Q. You asked no explanations and made none?—A. No, sir.

Q. You simply got the $900 and took it away with you?—A. Yes, sir.

Q. Did he say anything about voting for Lorimer on that occasion?—A. No, sir.

Q. Or any part of the Lorimer money?—A. No, sir.

Q. Didn't make any explanation about it?—A. No, sir.

Q. The only thing he said was that Mr. Browne was sick and could not come, and he was there?—A. Yes, sir.

Q. Had you ever voted for Mr. Lorimer or any other Republican until the 26th of May when you cast your vote for Mr. Lorimer?—A. For Senator you mean?

Q. For Senator I mean.—A. No; I had not.

Q. Did you keep the $900 and use that the same as the other?—A. Yes, sir.

Q. For your own benefit?—A. Yes, sir.

Q. The list of names Mr. Browne presented to you on the 24th, I believe you stated the date to be, that you had a conversation with him with respect to voting for Lorimer—did that contain the names of the several gentlemen, Mr. Link and Mr. Holstlaw, those gentlemen whose names have been mentioned here, as having gotten a part of—alleged to have gotten a part of this fund?—A. I don't really remember. I think it did though. I think it had a goodly number that was a majority of the Democrats on the list, but I have not the specific names; the specific names I would not know.

Q. You said to Mr. Browne, as I understand, that you found that all of the boys were going to vote that way, and you would go with them?—A. Yes.

Q. You were going with your gang wherever it went?—A. Yes.
Q. As a result of that you took this $1,000?—A. Yes, sir.
Q. And you understood it was because of your vote for Mr. Lorimer?—A. That is what I understood; yes, sir.

Senator HEYBURN. I would like to ask a question.

Q. This was the second term you had served in the legislature, wasn't it?—A. Yes, sir.
Q. After the expiration of the first term was there any sum of money to be divided among the members?—A. I heard that there was.
Q. But you didn't participate in it?—A. I did not.

By Senator PAYNTER:

Q. How long did you remain in the custody of an officer after you first appeared here before the grand jury?—A. Do you mean after I appeared before the grand jury?
Q. Yes. How long did the officer continue to be with you as you have described after you first appeared here before the grand jury?—A. Well, there was an officer went down home with me and he stayed down at Carlyle, my home town, all the time I was home.
Q. I have really forgotten the date when you first appeared here.—A. I don't know exactly.
Q. Give it to me approximately.—A. It was the first week in May
Q. In May?—A. Yes.
Q. And he stayed with you how long did you say; until what time?—A. I don't remember when the first Browne trial was now the exact date, but it was until that time. He did not stay with me but he was in my home town.
Q. I know, but was it a week, or two weeks, or how long?—A. Several weeks.
Q. Several weeks?—A. Yes; several weeks.
Q. Did the officer stay with you from the first to the second trial?—A. No, sir.
Q. You have not been in custody, then, since the first trial?—A. No, sir.
Q. You testified at the first trial?—A. Yes, sir.
Q. You had gone on record in a statement as to what you claimed to know about this matter in the first trial?—A. I don't understand that.
Q. I say you had made a record of your testimony in the first Browne trial?—A. Yes.
Q. So, after that time no officer remained with you?—A. Yes.
Q. Why did you go out of the State, I would like to know?—A. Well, there were several reasons why I went out of the State
Q. You said something—I don't care about every reason, but you said something about in order not to be a witness before the grand jury?—A. That was the Springfield grand jury.
Q. That was the Springfield grand jury?—A. Yes, sir.
Q. Who suggested that you leave the State?—A. Well, there was not anyone in particular suggested that I leave the State.
Q. Who went with you?—A. I think Mr. Mermaine.
Q. Who is he?—A. Mr. Mermaine?
Q. Yes?—A. He is an officer out of the state's attorney's office.
Q. It is he who kept you from being summoned before the Springfield grand jury?—A. Yes, sir.

Senator BURROWS. How long did you remain there?—A. In Indiana?

Q. Yes?—A. I think I was there nearly a whole week.

By Judge HANECY:

Q. And the other officer, did he take you out of this State in other States?—A. No, sir.

Q. Didn't you go into the State of Wisconsin?—A. No.

Q. Nor Minnesota?—A. No.

Q. You were in the custody of some one of the officers of the state's attorney's office until after the first trial of People *v.* Browne was finished, weren't you?—A. Yes; I guess I was.

Senator BURROWS. What is the answer?—A. Yes, sir.

By Judge HANECY:

Q. How long after that?—A. Not at all.

Q. You were let go from the custody of the State's attorney's officer after the trial was finished?

Mr. AUSTRIAN. I object to that; he testified to that.

Senator BURROWS. The witness has testified so.

Judge HANECY. That trial was finished on the 30th of June this year?—A. Yes, sir; I think probably that is the date.

Q. Now, at the time of the first Browne trial at which you say you testified, did you testify that the $1,000 or any other money that you say you got from Browne or Wilson was Lorimer money?—A. Did I say that, do you mean?

Q. Did you say that at the first trial?—A. I did.

Q. You are sure about that?—A. Yes.

Q. Is it a fact that you did not mention that it was Lorimer money until the second trial?—A. No, sir; I remember that very distinctly.

Q. Now, you said, in answer to Senator Frazier, you understood you were getting $1,000 for your vote. I didn't understand, and I don't know whether this honorable committee did, whether you meant to be understood as saying you understood before you got the money that you were going to get it for that, or you were to get it for that.—A. I don't understand; I don't understand the question.

Q. You did not understand before the money was paid to you that you were to be paid that $1,000 or any other sum for voting for Lorimer, did you?—A. No.

Senator BURROWS. What was the answer?—A. No.

Senator FRAZIER. Your response to me was at the time you received the money you so understood it?—A. That was so understood.

Senator HEYBURN. I desire to ask the judge a question. You speak of men being in custody. Nothing is said as to the character of the charge against them, or whether there is any charge, whether they are indicted or not. Can it be possible that there is any law that authorizes an officer to take possession of a man and escort him about where there is no charge against him?

Judge HANECY. No law whatever in this country, Senator.

Senator HEYBURN. It seems very singular.

Senator PAYNTER. Is there any fund in the district attorney's office for purposes like that?

Judge HANECY. No; but there is a large contingent fund, and then the State's attorney, whenever he wants any more money, he goes to

the county board and asks for an appropriation for another sum or other sums for a contingent fund, and he spends that fund as he thinks best.

Senator HEYBURN. I desire to finish my question to you, Mr. Counsel. The testimony taken under duress, while a man is not free to come and go, is one character. Then, testimony taken by a citizen who is not under duress is another. Is it intended by asking these questions to imply that this man is not a free person, or that he is acting under duress?

Judge HANECY. It is my intention to imply and insist that he, when he testified before the grand jury and testified in the two Browne trials, what he did testify to there, that he did it under duress, and the very purpose of the state's attorney and those back of the prosecution who had to do with putting him in custody was to make him understand that.

Senator HEYBURN. When you say he was under duress, do you mean to say there were charges preferred against him and that he had been arrested pursuant to this charge?

Judge HANECY. No, Mr. Senator. I asked him specifically if he knew he was indicted, or if there was any charge or complaint or anything else against him anywhere else, and he said no.

Senator HEYBURN. Then it was physical and not legal duress.

Judge HANECY. It was physical duress.

Senator HEYBURN. That is all I want to know.

Judge HANECY. I may ask an additional question that may throw additional light upon it.

Q. Who paid your expenses to these different places on these different trips that you took and during the entire time from the time you went into custody, about the first week in May, until after the 30th of June?—A. My hotel bills were paid by the officer who was with me. So far as little incidental expenses were concerned, I paid them myself.

Q. That is, the officer permitted you to spend some of your money?—A. Well, I did pay it, anyway.

Mr. AUSTRIAN. Who ordered you into the custody of an officer?

Judge HANECY. He has already told that.

Mr. AUSTRIAN. Who did he tell?

Senator BURROWS. If there is any question, tell about it.

Mr. AUSTRIAN. Who ordered you?—A. No one that I know of. If the committee would like to know how I came to be in the custody of an officer, I will tell them.

Mr. AUSTRIAN. Tell it, Mr. Beckemeyer.—A. Mr. Wayman asked me if I would not like to have an officer go with me down home. We talked the matter over in Mr. Wayman's office and several propositions were put by the state's attorney as to fellows talking to me and getting up impeaching testimony or probably getting whipped. That was two of the reasons why I partly requested—and it was very willingly granted, of course, by Mr. Wayman that I let an officer go with me.

Judge HANECY. That was the origin——

Mr. AUSTRIAN. Just a moment; let him finish.

Senator GAMBLE. Was this officer in your presence during the time that you spent at your room, and. as you testified. that he was in and about your home town?—A. He was in and about my home town.

Q. Was he always present and able to protect your person?—A. No, sir.

Mr. AUSTRIAN. He lived at the hotel part of the time in your home town?—A. Yes.

Q. It was at your own suggestion that the officer went down, in part, went down with you?—A. In part it was.

Q. Did you ever make any objection to it, directly or indirectly?—A. I did not.

Q. Did you consider that you were under any duress or any restraint or anything of that sort?

Judge HANECY. That is objected to, giving his intention.

Mr. AUSTRIAN. I object, Mr. Senator——

Judge HANECY. It is the theory in his mind.

Mr. AUSTRIAN. I submit, that in view of the awful picture that was painted by counsel as to the terrific duress this witness was under, why this is perfectly proper. Read the question. [Question read.]

The WITNESS. No, sir.

Judge HANECY. The officer was here in Chicago with you, and went with you every place, didn't he?—A. Yes, sir.

Q. And slept in the same room with you?—A. Part of the time he did and part of the time he did not.

Senator BURROWS. Is that all?

Mr. AUSTRIAN. Yes.

Senator BURROWS. Do you need this witness any more?

Mr. AUSTRIAN. No.

The WITNESS. May I go home?

Senator BURROWS. Yes; and if we require you we will telegraph you.

The WITNESS. I will come any time that you telegraph me.

Senator BURROWS. Is Michael Link here?

Mr. AUSTRIAN. No. Mr. John Dennis is here. I understood from the sergeant-at-arms that Mr. Link telegraphed he would arrive to-night. I understand that, but I am not prepared to say that it is absolutely correct.

Senator GAMBLE. I think he is to arrive to-night.

Mr. AUSTRIAN. I understood from the sergeant-at-arms that Broderick had not yet been located. I do not want to be bound by that statement as it is only my information.

Senator GAMBLE. I think it is correct.

Senator BURROWS. The witnesses have all been subpœnaed.

Mr. AUSTRIAN. Yes.

Senator BURROWS. Call the next witness.

Mr. AUSTRIAN. I will call Mr. Dennis.

JOHN W. DENNIS, called as a witness herein, having been first duly sworn, was examined in chief by Mr. Austrian, and testified as follows:

Q. What is your name?—A. John W. Dennis.

Q. Where do you reside?—A. East St. Louis, Ill.

Q. What is your business?—A. Contractor and builder.

Q. Will you keep your voice up, please?

Senator BURROWS. A litle louder, if you please.

Mr. AUSTRIAN. How long have you been engaged in that business?—A. I have been engaged in that business off and on for about three years.

Q. How long have you known Charles A. White?—A. Some six or seven years.

Q. Did you see Charles A. White in the month of June, 1909?—A. Yes, sir.

Q. Where?—A. East St. Louis.

Q. Will you tell this committee whether or not you saw him at that time with any substantial sum of money?

Judge HANECY. I object, Mr. Chairman; I understood that was ruled out.

Mr. AUSTRIAN. It not only was not ruled out, but was ruled in, and the witness this morning, Kirkpatrick, testified to it where it was placed.

Judge HANECY. That was a specific package.

Mr. AUSTRIAN. This is another specific package.

Judge HANECY. I object; if we are going to go into it—I appreciate that this committee can make any rule it seeks to, whether it be in strict conformity with the rules of evidence or not, but there was a specific ruling on this, and I cited authorities.

Mr. AUSTRIAN. It is the same thing; the Lorimer money that he received in June; this witness saw it. Of course, that is my information. I never talked to him in my life. Read the question.

(Question read.)

Judge HANECY. The purpose of that undoubtedly is to have it inferred that that money is some of the money that he got from what they called the "Lorimer money" from somebody——

Senator BURROWS. Answer the question.

(Question read.)

A. Yes, sir; at that time.

Mr. AUSTRIAN. State the circumstances; when and all about it?—A. At that time Mr. White and I were in the insurance and brokerage business together.

Senator BURROWS. Will you oblige the committee by speaking a little louder?—A. So Mr. White came from Chicago along about the middle of June, and there were some outstanding bills that were not paid——

Judge HANECY. I submit he is not answering the question; he is making an argument.

A (continuing). Prior to the time I went in there, and when Mr White came back he settled up all of those bills, and I saw that Mr White had some money there at that time.

Senator BURROWS. He paid some bills, and you saw he had money?—A. Yes.

Mr. AUSTRIAN. Any substantial amount?—A. As to that I could not say.

Q. Did you see how much he had?—A. I saw it lying out on the table when he was paying those bills off, but I could not say how much he had.

Senator GAMBLE. How much?

Senator BURROWS. You say you can not tell how much?—A. No sir.

Senator GAMBLE. What were the amounts of the bills that he paid were they large or small; I mean in what denominations of money?—A. Well, it would run in about—I should judge about $200.

Mr. AUSTRIAN. Prior to that trip you have reference to, when he came back from Chicago, as you said—at least I understood you to say that—did White have any money?

Judge HANECY. I object, Mr. Chairman, whether White had any money.

Mr. AUSTRAIN. I desire to state the purpose. I don't know whether I can prove it by this witness or not, but I can show that before that he was barren of money, and afterwards he had money. That is a rule that has been laid down by the Senate in all of the cases they have even passed upon, and I can call your attention to the ruling in a minute.

Senator BURROWS The witness has said he doesn't know the amount.

Mr. AUSTRIAN. That is not the question. Will you read the question? I asked the question, "Before White went to Chicago, did he have any money?" and when he came back to Chicago he did have money?

Senator BURROWS. Put your question.

Mr. AUSTRIAN. Before he went to Chicago, did he have the money to pay the bills?

Senator BURROWS. If the witness knows he may testify whether he had money before or not.—A. No, sir.

Senator BURROWS. He had not?

The WITNESS. No, sir.

Mr. AUSTRIAN. That is all.

The WITNESS. At least that is what he told me.

Judge HANECY. Ah!

Senator HEYBURN. That is what he told you?—A. Yes.

Judge HANECY. I ask that that be stricken out.

Mr. AUSTRIAN. I object.

Q. Do you know what bills those were?—A. Yes, sir.

Q. What bills were they?—A. They were stationery bills—that is, for printing; there was one of those bills from the East Side Printing Company.

Senator BURROWS. Are those the same bills we spoke about a while ago?

Mr. AUSTRIAN. I am going to ask him.

Q. Are those the same bills [indicating papers] that you have reference to?

Senator BURROWS. What is the necessity of that? You have presented the bills.

Mr. AUSTRIAN. To fix the time.

Senator BURROWS. Just simply to fix the time?

Mr. AUSTRIAN. That is all.

Senator GAMBLE. Was he present when these bills were paid?

Mr. AUSTRIAN. I am going to ask him now.

Judge HANECY. I don't intend to put on any evidence on that question at all. We have admitted that, and I don't intend to put on any testimony on that point at all. I don't care anything about it.

Senator PAYNTER. Under that statement of counsel, what is the necessity of continuing along that line?

Mr. AUSTRIAN. He is not going to put on any witnesses to show that he did not pay those bills.

Judge HANECY. That is what you want to show by this witness——

Mr. AUSTRIAN. No; I am asking him if he saw the bills referred to. It is for the purpose of getting the date, that is all.

Senator BURROWS. The date when he was there?

Mr. AUSTRIAN. The date they were paid.

Senator BURROWS. That already appears in the case.

Mr. AUSTRIAN. I evidently am not succeeding in making myself clear. This witness said he, White, went to Chicago and that he came back with some money and paid some bills. For the purpose of fixing the time when he came back I want to ask him if those are the bills he referred to [indicating papers] when he paid those bills.

Q. Are those the bills, Mr. Dennis?

Senator BURROWS. I understood you to say that he went to Chicago?

Mr. AUSTRIAN. I understood—I said that.

Senator BURROWS. The witness didn't say that.

Mr. AUSTRIAN. The witness said after he came to Chicago he paid the bills.

Senator BURROWS. He had some money when he came back.

Mr. AUSTRIAN. Yes.

Q. Are those the same bills, Mr. Witness?—A. Yes.

Mr. AUSTRIAN. Being the same bills shown to the witness, White. That is all.

Cross-examination by Judge HANECY:

Q. You are a street-car conductor or a motorman, or were you?—A. No, sir.

Q. Were you ever a member of the union?—A. Yes, sir.

Q. Are you now?—A. No, sir.

Q. Did you work with White?—A. No, sir; we worked for the same company, but I was a shop employee.

Q. And then you were a partner of White's?—A. Not a partner—that is, we were in the real estate and brokerage business.

Q. That is what I mean, a partner of White's in business there in East St. Louis?—A. Yes, sir.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

Judge HANECY. May I call Mr. Beckemeyer in here? I understood that Mr. Beckemeyer said outside that there was some question he wants to come back and explain.

Senator BURROWS. The witness has the right to come back and correct any of his testimony if he desires to. Who is your next witness?

Mr. AUSTRIAN. I desire to call next Michael Link or Joe Clark or Broderick.

Senator BURROWS. Is Michael Link here?

(No response.)

H. J. C. Beckemeyer recalled for further examination by Judge Hanecy and testified as follows:

Mr. AUSTRIAN. Do you desire to make any correction or any additional statement?—A. Not that I know of.

Judge HANECY. Mr. Beckemeyer, did you tell anybody out in the hall that you wanted to correct your testimony in reference to the

conversation with Michael Link?—A. No; a fellow asked me a question out there. I do not know who he was——

Senator FRAZIER. Do you want to correct your testimony?—A. I don't know that I do particularly.

Judge HANECY. Does it need correction?—A. Only as to a question that he called my attention to out there—only as to a question.

Q. Which one?

Mr. AUSTRIAN. Who called your attention to it?—A. I don't know who it was; it was some fellow out there.

Judge HANECY. What was it about?—A. About a question in the conversation with Mike Link.

Q. What was the first conversation with Michael Link, as you say now?—A. In addition to a lot of other things, you asked me whether I did not tell Michael Link that I did not think Mr. Lorimer had put up a lot of money, and you connected that with a whole lot of other stuff, and I think possibly I did tell Mr. Link that.

Senator BURROWS. You desire to correct your testimony now in that regard?—A. Yes, sir; about that.

Judge HANECY. Let me ask this question, separate from all the others.

Q. Did Mike Link say to you—did you say to Mike Link, "Yes, Mike, I believe that is a fact. I did not get any money, and I don't believe Lorimer ever put up a nickel, and I don't believe anybody else ever put up a nickel?" Did you say that to Mike Link?—A. No, sir; I did not.

Q. Did you say that in substance?—A. No, sir.

Q. What was it?—A. Except, I think possibly I said to Mr. Link that I did not think Lorimer put up a cent of this money himself.

Senator GAMBLE. That is what you desired to correct in your testimony?—A. That is what I desired to correct.

Senator BURROWS. That is your correction?—A. Yes, that is the correction.

Senator BURROWS. That is all. Stand aside. Is Mr. Michael Link present?

Mr. AUSTRIAN. No.

Senator BURROWS. Is Myers, or Mr. Murray, or Mr. Ford, or Mr. Bradford, W. G. Bradford, are they present?

Mr. AUSTRIAN. Bradford and Aldridge and those witnesses are for rebuttal.

Senator FRAZIER. Will you bring your witnesses in chief on the stand?

Mr. AUSTRIAN. The names have all been put in the committee's hands ten days ago.

Senator FRAZIER. Which one do you want to introduce now?

Mr. AUSTRIAN. Michael Link or Joe Clark; those names have been in the committee's hands ten days ago, and it is no fault of ours that they are not here.

Senator BURROWS. It is not a question of fault. Is Mr. Michael Link here?

Mr. BUMPHREY. No, sir.

Senator BURROWS. He has been subpœnaed?

Mr. AUSTRIAN. I understand from the sergeant-at-arms that a telegram has been received, and he will arrive to-night.

(Committee and counsel confer out of the hearing of the reporter.)

Senator JOHNSTON. Judge, have you examined this abstract, the record of the vote?

Judge HANECY. No; the day we commenced this hearing, I was sick enough to be in bed; I had a very bad headache.

Senator BURROWS. Can you now examine it?

Senator JOHNSTON. Let them examine it now, and put the part they want in, so as not to encumber the record.

Senator PAYNTER. It was agreed that the whole record should go in, and counsel were to agree what constituted the record.

Mr. AUSTRIAN. Several hundred printed pages.

Judge HANECY. I don't think so.

Mr. AUSTRIAN. There were 95 votes, and that will cover at least 100 pages.

Senator FRAZIER. If you can not agree on it, we will have to put it into the record in its entirety.

Judge HANECY. I will say, Mr. Chairman and gentlemen, that we wish to have the record show how many votes, but the votes were scattered among the different people, and you can not get it from this.

Senator BURROWS. That simply gives the total, and it does not give the vote as they occurred.

Senator PAYNTER. If counsel do not agree upon what constitutes the record, then we will have to have a certified copy made and go ahead without any further discussion about it.

Senator BURROWS. Have you a certified copy of the proceedings touching upon the election of the Senator?

Mr. AUSTRIAN. We have two volumes; it is not possible to get it certified; they are certified by the law.

Senator BURROWS. If you can't agree, we will have to have that go in.

Judge HANECY. I am willing if there are no mistakes.

Senator GAMBLE. What is the use of encumbering the record with a lot of unnecessary things?

Mr. AUSTRIAN. No reason.

Senator GAMBLE. I understood you to say that previous to that it was only four or five times that Mr. Lorimer was voted for.

Mr. AUSTRIAN. Five times. And I will stipulate that there were 20 or 30 other Democrats voted for, and I will stipulate that, and counsel can read it right in.

Senator PAYNTER. Has counsel discussed the question together to see whether you can agree on it?

Judge HANECY. No.

Mr. AUSTRIAN. Let the committee have it understood that if it is not agreed between counsel by to-morrow morning at 10 o'clock, that the committee will agree itself and put it in.

Judge HANECY. I hope that the committee will not compel me to get it done before 10 o'clock. You would not use it now anyway because we can have the report as it is now.

Senator PAYNTER. Of course, that is true.

Judge HANECY. We will get it done before it is really necessary for you to put it into your record.

Senator GAMBLE. There is no hurry to have it in the official record because we can refer to it at any time right here, whether counsel consents to it or not.

Senator BURROWS. Is there any other witness that we can go on ith to-night?

Mr. AUSTRIAN. If Mr. Link was here, we could put him on.

(Committee and counsel confer out of the hearing of the reporter.)

Senator BURROWS. Can counsel agree to indicate the political com- exion or affiliations of the members of the senate or the house who ted on the question of Senator.

Judge HANECY. I think that is shown in the record, Mr. Chairman. hat is right, isn't it?

Mr. AUSTRIAN. It is not in the record at all.

Judge HANECY. I mean in the printed record.

Mr. AUSTRIAN. Oh, it is in the printed record, certainly.

Judge HANECY. That is what I mean, the printed record; it is by w certified by the printing. That shows the political affiliations.

Mr. AUSTRIAN. That does not get into this record, though.

Judge HANECY. Oh, no; but we can make up this record. We gree that is right. In fact, it does not make any difference whether e agree or not; that is the fact.

(Committee confer out of the hearing of the reporter.)

Senator BURROWS. The committee will now adjourn until to-mor- w morning at 10 o'clock.

(Whereupon the committee adjourned until 10 o'clock a. m., Friday, ptember 30, 1910.)

FRIDAY, SEPTEMBER 30, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m., committee met pursuant to adjournment, and the llowing proceedings were had:

The following members of the subcommittee being present: Hon. C. Burrows, chairman; Hon. Robert J. Gamble, Hon. W. B. Hey- rn, Hon. Thomas H. Paynter, Hon. Joseph F. Johnston, and on. James B. Frazier.

Mr. AUSTRIAN. I desire to hand Senator Gamble the confession at was brought down here by the State's attorney from Springfield, r. Burke. I just want you to identify it as the paper, Senator anding document to Senator Gamble].

Senator BURROWS. Mr. Bumphrey, can you send for Senator razier?

Mr. BUMPHREY. Yes.

Senator BURROWS. Call him over the phone. Is Miss Mollie Van- veer present?

Mr. AUSTRIAN. Will the committee be willing to call Mr. Michael ink before calling Miss Mollie Vandeveer.

Senator BURROWS. The reason why we wished to call her is because e is very anxious to get away, and her testimony is very brief.

Mr. AUSTRIAN. I beg your pardon.

Judge HANECY. Mr. Chairman, and gentlemen, may I make a short planation here. Yesterday, Mr. Austrian, counsel on the other side, id that I misstated the law to this honorable committee. I don't ink he meant that, but I can not exonerate him, except as far as I n concerned myself. I told this honorable committee what I under- ood the law to be, without having the books with me. Mr. Austrian

brought in here the One hundred and forty-sixth Illinois to sustai his statement, I suppose, that I misstated the law to this committe I can not sit silent and have the impression remain that I did mi state anything to this committee. I have the authorities as late a last December to sustain me in the particular position that I state the law to be here, and even go a little further. I do not desire t read the whole opinion in any case, and I only desire to refer to thr opinions; that is, only those parts that relate to this matter.

Mr. Chairman, I refer to the case of Bressler *v.* The People (1 Ill., p. 432), and I read from page 436 (reading):

> One of the grand jurors, before whom Frank Bressler was examined and ga testimony, at the time alluded to in the interrogatory quoted, testified direct contradicting him, and saying that he did testify in the precise language of t interrogatory. This was objected to, and the ground of objection now insist upon is that a grand juror would not be permitted to testify how a witne swore, except in a prosecution for perjury. This doctrine at one time was, a in some courts it is doubtless still, the accepted common-law rule, but we thi the rule otherwise is best sustained by authorities, on principle, and is mo consistent with our practice. Our statute provides (sec. 412, Crim. Code, Re Stat., 1874, p. 498) that "no grand juror or officer of the court, or other perso shall disclose that an indictment for felony is found or about to be found by a person not in custody or under recognizance, except by issuing process for h arrest, until he is arrested, nor shall any grand juror state how any member the grand jury voted or what opinion he expressed on any question before them
>
> The reasons why, at common law, the grand juries were required to secret are said in the books to be, first, that the utmost freedom of disclosu of alleged crimes or offenses by prosecutors be secured; second, that perju and subornation of perjury may be prevented by withholding the knowled of facts testified to before the grand jury, which, if known, it would be for t interest of the accused, or their confederates to attempt to disprove by pr curing false testimony; third, to conceal the fact that an indictment is fou against a party, in order to avoid the danger that he may escape and elu arrest upon it before the presentment is made. When the indictment is r turned, and the defendant arrested and placed upon trial, neither the statuto nor common-law reasons for secrecy can apply. There can be no reason, the why evidence given before a grand jury should not be made known and prove if the ends of justice require it. A contrary course would tend to defe instead of to promote justice, and be directly in opposition to the tendency the age, which is to enlarge rather than to contract the sources of eviden (See Commonwealth *v.* Mead, State *v.* Broughton, *supra*, and Gordon *v.* Commo wealth, etc.)

There is another case in the same volume, the case of Hoge *v.* t People of the State of Illinois, at page 35. I am not going to ti this honorable committee by reading the intermediate cases. T last expression of our supreme court upon this question is in t case of People *v.* Nall (242 Ill., p. 284), in which the decision th I have just referred this honorable committee to in the One-hundr and seventeenth, the one I read from, is directly sustained. I rea from page 289 (reading):

> It appeared from the testimony of the foreman of the grand jury and of t special counsel in question that the latter was called before the grand ju which returned this indictment, but both these witnesses testified said couns was not asked any questions, with reference to the indictment here in questi This court has held it is proper to prove by members of the grand jury th witnesses have testified differently before that body than they did on t trial of the case. (Hoge *v.* People, 117 Ill., 35; Bressler *v.* People, 117 i 422), but this court has also held in Gitchell *v.* People (146 Ill., 175), after review of the authorities, that the members of the grand jury can not impea

eir return of the indictment and that the same principle which forbids such sclosures by grand jurors applies to all persons authorized by law to be pres- t in the grand-jury room. We do not think the court erred in refusing to rmit the questions to be answered, showing what the special counsel testified before the grand jury, or in refusing to quash the indictment, because of s appearance before that body. We find nothing in the record indicating at there was any improper conduct on the part of the grand jury or this orney.

Senator BURROWS. Is there any necessity of pursuing that question rther—just to save time? The evidence has been admitted—the stimony has been admitted.

Judge HANECY. I am not making it for that purpose, Mr. Chair- an; but the statement was made here by learned counsel on the her side that I misstated the law to this honorable committee. I sume that this committee will not permit me nor compel me to silent under that charge without answering it, as the authorities this State have conclusively answered it. I said to this honorable mmittee that at common law, and we are under the common-law actice here—except as changed by the statute—that that was not e law. I had no authorities at that time. It was an offhand opinion the law, as I understood it, and as I knew it, and the law that has en in force in this State for a great many years. Mr. Austrian cited e One hundred and forty-sixth Illinois, and he made the state- nt preceding the citation of the authorities that I had misstated e law.

Now, all that I desire here is that that statement shall not stand as was made, that I did misstate the law, and that I sat silent under at charge. I said a few moments ago, and I say now, that Mr. ıstrian does not mean what he said.

Mr. AUSTRIAN. May I ask you a question?

Judge HANECY. The record shows what he did say.

Mr. AUSTRIAN. May I ask you a question?

Judge HANECY. With my consent; yes.

Mr. AUSTRIAN. Any objection?

Judge HANECY. I have no particular objection.

Mr. AUSTRIAN. One case you read was the 117th Illinois. The 3th, we admit, is later. That is the case I relied on. Do you an to tell this committee, Judge, that the 242d Illinois reverses or difies the 146th Illinois?

Judge HANECY. It affirms it.

Mr. AUSTRIAN. And the 242d Illinois doesn't say that there was y error in refusing to permit special counsel to testify to what k place in the jury room?

Judge HANECY. Yes, they did; and went on to say——

Senator HEYBURN. There is no live question before us.

Judge HANECY. The case cited by learned counsel on the other side one question and the rest of it is mere dictum, and yesterday I so ted after he cited it. Learned counsel on the other side has quoted y liberally to this committee in the early days of the hearing— m Wigmore on Evidence—and I just want to read a paragraph m that, a short one, on this question. "It is now universally ıceded"——

Mr. AUSTRIAN. What section, please?

Judge HANECY. It is section 2363, the second paragraph, I rea from (reading):

The instances in which the privilege ceases to operate by virtue of the for going reasons may be grouped according to the purpose for which the testimon is offered to be used:

"(*a*) It is now universally conceded that a witness may be impeached in an subsequent trial, civil or criminal, by self-contradictory testimony given by hi before the grand jury."

They, in a note—they cite a great many cases (reading):

In the same way a party to the cause not taking the stand as a witne may be impeached by his admissions made in testifying before the grand jur

and then, citing nearly a page of authorities—

The occasional statutory sanction for the former of these uses can not be co strued to prohibit the latter, which goes upon the same reasoning. Nor shou any of the ensuing legitimate purposes of disclosure be considered to be o structed by the statutory omission to mention them, else the integrity of co mon-law principles would tend to be diminished in direct ratio to the ignoran or unskillfulness of the legislature which attempted in any respect to make declaratory statute.

Mr. AUSTRIAN. May I ask Senator Gamble——

Senator BURROWS. Miss Vandeveer, please stand up and be swor Hold up your right hand.

(Miss Mollie Vandeveer duly sworn.)

Mr. AUSTRIAN. Mr. Chairman, the state's attorney is here wit this document—the assistant state's attorney is here, rather, with th document—and he wants to go back to Springfield on the 12 o'clo train. It is the document that the committee called for yesterday, believe, during the examination of Mr. Holstlaw.

Senator GAMBLE. I will say, Mr. Chairman, that I identify this the same paper handed to me heretofore, in regard to a stateme made by the witness D. W. Holstlaw, was it?

Mr. AUSTRIAN. Yes, Holstlaw.

Senator GAMBLE. Holstlaw, on Tuesday—Wednesday of this wee

Mr. AUSTRIAN. The committee called for it—or Judge Hane asked for it to be incorporated into the record.

Judge HANECY. No; I did not ask for it to be incorporated in the record.

Senator BURROWS. Is there any objection to it being incorporat in the record?

Judge HANECY. I don't know, Mr. Chairman; I have not look at it.

Senator BURROWS. Will you look at it?

Judge HANECY. I am perfectly willing to take it that the Sen tor—Senator Gamble, I believe—has identified it, and they may turn the original, providing they leave a copy of it here. Is there copy here?

Mr. AUSTRIAN. No, sir; read it right into the record, and then them take the original.

Judge HANECY. Not now. They brought it in here and read ju one part of it, and that part of this statement has gotten into th record. Now, it may be that there is a lot of matter here that w created for the very purposes of some other case—we know it was reference to the furniture case. There is a part of it here that incorporated into the record when he read part of it, and I was nev

ermitted to see either the instrument itself or the part which was aken from it and put into this record, of the statement——

Senator BURROWS. Do you desire to identify it and put it into the ecord, as far as you are concerned?

Judge HANECY. I don't know. I would like to have an opportun-y to examine it when I have time. I will not ask this honorable ommittee to wait until that is done now. There are over four type-ritten pages. All I want is to have a copy made and have the copy eft here.

Senator PAYNTER. Let a copy be made.

Mr. AUSTRIAN. I would like to read part of the record of yesterday.

Senator BURROWS. You desire to have this original given back so hat it can be returned?

Mr. AUSTRIAN. Yes; now, on page 547 of the official record, I wish o read what took place in reference to this document Z. Page 547 reading):

Judge HANECY. Will you let me see that paper?
Mr. AUSTRIAN. I haven't got it now.
Judge HANECY. You had it yesterday, and it was shown to the witness, and xtracts were read from it, and I submit that we should have it accessible here.
Mr. AUSTRIAN. I am sorry, but it was not my paper; I did have it. It was paper brought here in the custody of the state's attorney of Sangamon ounty, and it was his document, and he simply loaned it to us.
Judge HANECY. The paper ought to be in this record; it was shown to this itness.
Mr. AUSTRIAN. Let it be understood, etc.——

Senator FRAZIER. That is my recollection of what happened.

Judge HANECY. They handed the paper to the witness, and I did ot see it. I should not be precluded from the ordinary rights of xamining the paper before it is put into the record.

Senator BURROWS. Well, will you examine it?

Judge HANECY. Now?

Senator BURROWS. At some time very soon.

Judge HANECY. Yes, Mr. Chairman; but shall I stop now to do it r wait until a copy is made.

Senator BURROWS. Do not stop now.

Judge HANECY. That is what I desire to know. If they leave it copy can be made.

Senator GAMBLE. Let the official stenographer take it and have a py made.

Judge HANECY. If the official stenographer will take it and have copy of it made that is all I desire.

Mr. AUSTRIAN. Will you be kind enough to have two copies made nd return it to us right away?

(The paper was sent to the official stenographers to be copied, as ggested.)

Senator BURROWS. Now, you may proceed with the examination Miss Vandeveer.

Mollie Vandeveer, called as a witness herein, being duly sworn by enator Burrows, was examined in chief by Mr. Austrian, and testi-d as follows:

Q. State your name, please.—A. Mollie Vandeveer—V-a-n-d-e-e-e-r.

Q. Where do you reside?—A. East St. Louis, Ill.

Q. How long have you resided in East St. Louis?—A. About four and one-half years.

Q. Do you know Charles A. White?—A. I do.

Q. Did you know Charles A. White in the month of June, 1909?—A. Yes, sir.

Q. Did you have any business relations with Mr. White in that month?—A. Yes; I was employed by Mr. White as a stenographer.

Senator JOHNSTON. Speak a little louder.—A. I was employed in Mr. White's office as a stenographer at that time.

Mr. AUSTRIAN. Can you remember any occasion at which—any time or at about that time—at which Mr. White had any considerable sum of money?—A. About the middle of June Mr. White came to the office with a bunch of bills.

Judge HANECY. May I interpose the objection that it is corroborative evidence, manufactured or created——

Senator BURROWS. The committee has passed upon that question, overruled the objection, and we will now go on.

The WITNESS. About the middle of June Mr. White returned to the office with a bulk of bills, a stack of bills about this high [indicating] of different denominations, twenties, fifties, and tens. It seemed to be yellow-backed money, this gold-backed money.

Q. Can you tell the committee about what time that was?—A. Why, that must have been about the 17th or 18th of June. It was about the middle of June. I don't know just exactly.

Q. Did you see the money counted or have anything to do with counting the money?—A. I had something to do with disposing of the money.

Senator BURROWS. The question is, did you count the money?—A. I did not count the money.

Mr. AUSTRIAN. What was done with the money?—A. Mr. White disposed of it, paying bills around about there, part of it.

Q. Did you receive any part of it?—A. I received $50.50.

Mr. AUSTRIAN. That is all.

Cross-examination by Judge HANECY:

Q. You did not count any of the money at all?—A. No, sir.

Q. Where were you when you saw it and where was Mr. White?—A. Mr. White was sitting at his desk and I was sitting at my desk in the same room, in Mr. White's office.

Q. Where were the desks with reference to each other?—A. Mr. White's desk was right here [indicating] and my desk was right here [indicating].

Q. Were you back of him or in front of him?—A. My desk was back of Mr. White.

Q. Was this a flat desk or cylindrical desk?—A. My desk was a typewriting desk with a drop head.

Q. And that was flat when the head was dropped in?—A. Yes, sir.

Q. What was Mr. White's desk?—A. A roll-top desk.

Q. Closing down?—A. Yes, sir.

Q. Did Mr. White have his back to you?—A. No, sir; he turned around in his chair; he had a revolving chair.

Q. When sitting straight at the desk, his back was to you?—A. Yes, sir.

Q. Directly?—A. Yes, sir.

Q. Was he directly in front of you?—A. Yes, sir.
Q. How many feet was his desk from your desk?—A. Not over feet.
Q. There was enough room for a passageway, enough for his chair nd then a passageway between the chair and your desk?—A. I can ot hardly explain that; we did not pass between the two desks. His esk sat against that wall [indicating], and mine sat against the ther wall.
Q. The side wall?—A. Yes, sir.
Q. His desk sat up against the wall, equivalent——A. To the uth, and mine to the west.
Q. And yours was up back against the west wall?—A. Yes, sir.
Q. So that when he sat straight at his desk and you sat straight at our desk your desks would be toward each other very nearly?—A. o, sir; his back would be toward my side.
Q. I know; but you could not see him if you were facing your sk straight and he was facing his desk straight; you could not see hat he was doing?—A. No, sir.
Q. What were you doing that morning when you say this thing ppened?—A. I was looking at the money.
Q. I know; but had you been doing anything before that?—A. I d not do anything. I had called up two—I had called up the mes of the parties—called up the parties, rather, that he owed lls to, and I had a list of them on my desk, and he had wheeled ound in his chair and we were talking over matters.
Q. Did you have a list of the names of the parties he owed and e amounts?—A. Yes, sir.
Q. How much did they foot up?—A. Well, I did not foot them up.
Q. Well, about how much did they foot up?—A. I haven't any ea.
Q. You can't give any impression at all?—A. No, sir.
Q. Did you do the footing up?—A. I did not foot them up.
Q. Did you write down the names or the amounts?—A. Yes, sir.
Q. You wrote down each one; every one of the names on that list d the amounts opposite?—A. Yes, sir.
Q. When did you do that?—A. About the middle of June.
Q. You did that that same day?—A. That same day; that same y.
Q. Now, was there a stack of bills—I mean not many bills, but bills at you say he was to pay the stack of them—were there many or w?—A. There were several.
Q. Yes; two would be several.—A. There were as many on the sk as ten.
Q. There were as many on the desk as ten. Were there more than n?—A. I do not know.
Q. What was the largest?—A. My bill, I presume.
Q. That was how much?—A. I settled with Mr. White for $50.50.
Q. Did you have a larger bill than that against him?—A. Yes, sir.
Q. How much larger?—A. Well, he owed me something in the ighborhood of six weeks' work.
Q. In dollars and cents is all I want. What were you getting a eek?—A. $12½.
Q. So he owed you—$12½ a week?—A. Yes, sir; $12½ a week.

Q. So he owed you $75?—A. Well, there was expense money there in the office——

Q. In addition to that?—A. In addition to that. I would take out my car fare at that time. I think Mr. White owed me something like $62 or $65.

Q. Well, if he owed you for six weeks, at $12 a week, it would be $75 for that alone?—A. Yes, sir.

Q. And then he owed you something more than that?—A. No, sir.

Q. I thought you said he owed you for expense money?—A. No; there was expense money in the office, in Mr. White's office.

Q. He owed you, then, $60?—A. About $62 or $65.

Q. Was there any doubt about that, any mistake about that?—A. I don't remember now.

Q. Why did you take less than that amount?—A. Well, Mr. White owed so much that I kind of felt sorry for him.

Q. He was settling for less than 100 on the dollar?—A. I didn't figure it up.

Q. You didn't reason it that way?—A. No.

Q. You did not think he had very much money?—A. No, sir.

Q. And you were willing to take less than the amount that he actually——A. Wait a minute. Did you say I did not think he had much money?

Q. Yes.—A. I thought that his bills would average about as much as his stack of money. I did not know how much money he had.

Q. Yes; you thought that the bills you had a list of, giving the names and amounts that he owed, aggregated more than—as much or more than—the money that he had, did you; is that right?—A. Mr. White had other expenses to meet and other bills around. I attended to Mr. White's affairs and knew about what his outside bills were and what his obligations were to meet.

Q. What were they?—A. Well, he had, as any fellow has, expenses around there.

Q. I do not know what any fellow has; I am trying to get information from an expert.—A. He settled with me among the first.

Q. Yes.—A. He had some twenty-odd bills—some ten-odd bills. He had counted them out.

Q. I mean the bills that he owed; that is what I wanted to know.—A. I was getting at what my reasons were for settling.

Q. That is not what I asked you. You said you knew what other bills he owed at the time, from the list you had there. I asked you what those other bills were.—A. I do not know just what they were.

Q. Generally, what were they?—A. I presume they would be—he was living at two places, at Springfield and living at O'Fallon.

Q. And St. Louis?—A. And St. Louis.

Q. And East St. Louis, was he?—A. Well, he was residing at different places.

Q. Then he had four places?—A. Well, I do not know of four permanent places, but different places, and I knew such things as that took money.

Q. Well, did you know that because he told you?—A. No, sir; I knew that, from observation, such things as that do take money.

Q. How old are you?—A. I am 21 years of age.

Q. At that time you were about 20?—A. Twenty.

Q. Now, what were the other bills generally that you say that you knew that he owed?—A. I have given you what I thought they were.

Q. I mean besides the list, about ten?—A. Why, he was stopping at different places, and that he had—I had heard he was, I did not know—but he borrowed money there; that he had borrowed money, and I presumed with this bunch of money that Mr. White was going to try to clear up these outstanding debts.

Q. You knew that he would not have money enough in that bunch of money to clear all of them, so you threw off twelve or more dollars; is that right?—A. I deducted part of my wages and took $50.50 for settlement in full.

Q. Now, you have told this honorable committee that the general character of the bills that you thought he owed, outside of the list that you had there; do you know what any one of these outstanding bills amounted to, or did you make an estimate of what it would be?—A. No, sir; I was not that closely connected with his personal affairs.

Q. Did you know how much the aggregate of all those outside bills were, or did you make an estimate of that?—A. No, sir; I could not make an estimate, not knowing what they were.

Q. You did not know anything about that at all. So that all you had any specific knowledge of as to the amount of the individual bills or the aggregate, was the list that you had before you?—A. Yes, sir; the exact——

Q. Was there more than one bill of $50, more than one liability of $50 in that list that you had?—A. I do not remember now, but it seems to me as though Mr. White paid a Mr. House a bill.

Judge Hanecy. Mr. Austrian, will you give me those bills, please?

The Witness. A bill of something like forty dollars—forty some odd dollars.

Q. Miss Vandeveer, will you look at these bills here, and see whether these are the bills that you had a list of, with the names and the amounts—showing witness list of the original bills that were produced by Mr. C. A. White in his examination.—A. This, Mr. Launtz, was a fellow he owed for rent.

Q. One of the fellows, was he?—A. Yes, sir.

Q. Was that bill, what was the amount?—A. This $23.60. The rent bills are——

Q. I don't care about this. You said Mr. House. That is a printing bill?—A. That is a printing bill.

Q. I don't care about your reciting each one of them, but these are the bills, are they, that you had a list of?—A. Yes, sir; these are some of the bills.

Q. Well, were there any more?—A. I do not see a bill there from Henry George.

Q. What was the amount of his bill?—A. My bill is not there.

Q. What was Henry George's bill?—A. I do not remember now.

Q. Here is the Henry George bill of $11.10.—A. Well, that is it.

Q. That is the bill?—A. Yes, sir.

Q. Now, was there any other bill that you can think of that you had there, that is not here, that you had there, or had a list of there that is not here?—A. I do not remember whether there are any more or not.

Q. Well, is there any other that you had there either in the original bill or the list of them, the name and the amount?—A. He paid Mr. Yarbrough $50.

Q. Sidney or Otis?—A. Otis.

Q. That Otis was on the state pay roll during the time that he gave him some money individually?

Mr. AUSTRIAN. Just a moment, what difference does that make?

Judge HANECY. He worked for the State.

Mr. AUSTRIAN. That does not make any difference.

Senator BURROWS. There is no controversy about these bills, as the committee understands it.

Judge HANECY. I want to know whether there were some others.

Senator BURROWS. The witness just stated.

Judge HANECY. You did not know of any other bills that you had there, except—— —A. I do not remember——

Q. (Continuing). ——besides yours and Yarbrough's?—A. It appears to me the list was longer than that would make a list of, with mine and Yarbrough's, but it was a year ago, and I don't remember.

Senator BURROWS. You do not remember?

Judge HANECY. There are seven, and yours and Yarbrough's is nine; you said there were ten in that list?—A. About ten.

Q. Yes. You have talked about this with Mr. White, haven't you?—A. No, sir.

Q. Never talked with him?—A. No, sir.

Q. Are you working for Mr. White now?—A. No, sir.

Q. When did you cease working for him?—A. In July, 1909.

Q. Do you still work—do you still live in East St. Louis?—A. Yes, sir.

Q. In East St. Louis or O'Fallon?—A. East St. Louis.

Q. What were you doing or what was Mr. White—what business was he in at the time that you were working for him, when you earned this money?—A. When I first commenced to work for Mr. White, April 12, 1909, Mr. White had two offices in the Metropolitan Building, East St. Louis, and in one was conducted the White & Johnson real estate office and in the other was conducted a National Claim Adjustment Company.

Q. That was a collection agency?—A. Yes, sir.

Q. Were the two offices adjoining or connected with each other or in different parts of the building?—A. On the same flour, but I believe there was one office between the two rooms.

Q. But they were two separate offices and not run from the same place?—A. Yes, sir.

Q. Did he, or his firm, or concern, whether a corporation or not, have considerable business there?—A. Well, I only worked for Mr. White four months, and in that time we did not have very rushing business.

Q. No. Which line was you engaged in?—A. In the adjustment.

Q. In the adjustment; and in that business—the adjustment business was what, adjusting insurance claims or what?—A. Adjusting bills and collections.

Q. Collecting bills and so forth?—A. Yes, sir.

Q. That is, it was a collection agency?—A. Yes, sir.

Q. And whenever anything was collected, the compensation of Mr. White was taken out right away; that is, he did not have to wait to send to somebody to get his money for the work he did.

Senator FRAZIER. What has that got to do with this?

Senator BURROWS. I don't see.

Judge HANECY. What was the other, real estate business?—A. Real estate and insurance.

Q. Buying and selling and so forth, real estate?—A. Yes, sir.

Judge HANECY. That is all.

Senator BURROWS. That is all.

Judge HANECY. One minute, please.

Q. Did Mr. White have a bank account or bank accounts?—A. I believe Mr. White had one, but the firm had no bank account.

Q. Did Mr. White have more than one?—A. I do not know.

Q. Were the collections that he made, or that the collecting agency made, put in the bank?—A. No, sir; we settled with the persons whom we collected for as early as possible.

Q. At once. What was done with the money as soon as it was collected, and until you paid it out?—A. The men for whom we collected money; their money was put apart, and the other money was left in the drawer to be used for office expenses.

Q. Where was the money put; that is what I want to know?—A. In the money drawer.

Q. In a desk?—A. No, sir.

Q. Well, where?—A. In the money drawer at the collection counter.

Q. Well, in some desk or piece of furniture in the office?—A. Yes, sir.

Q. It was never put in the bank?—A. No, sir.

Q. How many other employees were there besides you?—A. Well, we had several collectors from time to time; they were not on a steady pay roll.

Q. How many, is what I want to know.

Senator BURROWS. Judge, is it necessary to follow this further?

Judge HANECY. Not if the committee does not desire it.

Senator BURROWS. I do not think the committee cares to hear anything further about that.

Judge HANECY. That is all.

Mr. AUSTRIAN. If it is not out of order, I should like some member of the committee to examine Mr. Link, so I may cross-examine him.

Senator BURROWS. You may cross-examine the witness.

Michael Link, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Austrian, and testified as follows:

Mr. AUSTRIAN. Mr. Link what is your full name?—A. Michael Link.

Q. Where do you reside, Mr. Link?—A. Mitchell.

Q. Mitchell, Ill.?—A. Yes, sir.

Q. Were you elected to the Illinois legislature?—A. Yes, sir.

Q. When?—A. 1906 and 1908.

Q. You were there for two sessions?—A. Yes, sir.

Q. Speak over in that direction [indicating]. I will hear it.

Q. Republican or Democrat?—A. I am a Democrat.

Q. Elected as a Democrat or a Republican?—A. A Democrat.

Q. When for the first time did you vote for William Lorimer for United States Senator?—A. The 26th of May, I believe.

Q. 1909, sir?—A. Yes, sir.

Q. In other words, the first time you ever voted for Mr. Lorimer for Senator was the day he was elected?—A. Yes, sir.

Q. What, if any, talk did you have with any one—— —A. What do you refer to?

Q. ——with respect to voting for Mr. Lorimer for United States Senator prior to May 26, 1909?—A. With Mr. Lorimer himself.

Q. When?—A. Some ten days prior to his election.

Q. What did he say to you, and what did you say to him?—A. I personally promised him my vote.

Q. What else was said?—A. "How do you do," and so forth.

Q. Anything else?—A. Not to my recollection. You have got the substance of the conversation.

Q. Did he ask you whether you knew Lee O'Neil Browne?—A. No, sir; he knew that I knew him without asking that question.

Q. He asked you at no time whether or not you knew Lee O'Neil Browne, did he?—A. He did not ask me if I knew Lee O'Neil Browne.

Q. He did not ask you whether you had any influence with Lee O'Neil Browne?—A. Yes, sir.

Q. On that occasion?—A. Yes, sir.

Q. What did you say?—A. I told him I did not think I would have.

Q. Did you and Lee O'Neil Browne ever discuss your interview with Lorimer?—A. Yes, sir; to some extent.

Q. When?—A. Some three or four days before Lorimer was elected, so my recollection.

Q. What did you say to Browne and what did he say to you?—A. I simply told him I had the laugh on him.

Q. What else?—A. He asked me if—do you want to know what he asked me?

Q. I want the conversation?—A. The conversation was this, to my recollection: He said, "Hello, Mike," and I said, "Hello, Lee." He says, "Come here a minute, Mike, I want to see you," and I said, "All right." He says, "Mike, would you vote for a Republican for the United States Senate?" I says, "Lee, it is according to what Republican you have in view." He says, "How would Mr. Lorimer suit you, Mike?" I had the laugh on him right there, and I said, "Lee, I have got the laugh on you, I beat you to it," that I promised Mr. Lorimer a week or ten days ago personally. That is all the conversation that took place.

Q. You were not surprised when Browne asked you that in view of the statement made by Mr. Lorimer whether or not you had any influence with Browne?—A. I do not understand any such question, sir.

Q. Well, were you surprised when Browne put the question?—A. Why; do I have to say yes or no?

Q. I am asking you whether or not you were surprised?—A. Well, we will pass that.

Q. No, we won't.—A. I was not surprised and I was—I was either surprised or not surprised. Will that answer it?

Q. Yes.—A. All right.

Q. Mr. Link, have you had any talk with anyone with reference to this subject-matter to-day?—A. No, sir.

Q. Did you discuss it with anyone?—A. I heard a conversation in the other room about what the boys had talked about.

Q. I am not talking about that. Did you have a discussion with anyone?—A. No, sir; I did not.

Q. You did not talk to Judge Hanecy about it, did you?—A. I saw Judge Hanecy about it this morning.

Q. Did you discuss with Judge Hanecy the subject-matter of this testimony in any way?—A. No, sir.

Q. How long did you engage in a conversation with Judge Hanecy?—A. Not very long.

Q. Did you meet Judge Hanecy before to-day?—A. I met him in the forty-fifth general assembly; at the forty-fifth general assembly at Springfield.

Q. Have you met Judge Hanecy since that at any time?—A. No, sir.

Q. Have you made written statement, Mr. Link, as to the facts concerning which you are now testifying?—A. Yes, sir; and swore to it.

Q. And you delivered that to Mr. Browne or one of his attorneys, did you not?—A. Well, I delivered it; yes.

Q. To whom?—A. Some one here in Chicago.

Q. Who?—A. I believe that it was to Mr. Lorimer's secretary.

Q. What is his name?—A. Mr. Ward.

Q. When did you make that written statement and swear to it and deliver it to Mr. Ward?—A. Three days after I returned home after going through the third degree here in Chicago.

Q. You went through the third degree, did you?—A. Quite likely.

Q. Did you tell the truth when you testified before the grand jury?

Judge HANECY. I object to that. There is no testimony here as to what he did testify to. His attention has not been called to it, but the general question asked, Did you testify to the truth here?

Mr. AUSTRIAN. Not "here."

Judge HANECY. In Chicago.

Mr. AUSTRIAN. Before the grand jury.

Judge HANECY. This witness was probably put there as——

Mr. AUSTRIAN. I object.

Judge HANECY. This committee ought to know.

Mr. AUSTRIAN. It has nothing to do with the question I put.

Senator BURROWS. Does it appear that he has testified?

Mr. AUSTRIAN. It is conceded that he testified before the grand jury; it has been in evidence; it is conceded on all sides.

Senator BURROWS. Did you testify before the grand jury?—A. Yes, sir.

Senator PAYNTER. It seems to me the committee ought to know if he testified.

Judge HANECY. He testified three times before the grand jury.

Senator BURROWS. That is enough. He states that he testified.

Mr. AUSTRIAN. Read the question.

(Question read.)

Judge HANECY. He was there several times, Mr. Chairman.

Senator BURROWS. Answer the question.—A. I shall not deny it this time.

Q. Well, will you deny it at any other time, place, or condition?—A. No, sir.

Mr. AUSTRIAN. Now, Mr. Link, other than your talk with Senator Lorimer and Mr. Browne, did you have any talk with anyone with reference—in Springfield, I mean—on or about the 26th of May 1909, with reference to your vote for Mr. Lorimer, or voting for Mr Lorimer?—A. Not to my recollection.

Q. Mr. Link, isn't it a fact that before you had your talk with Mr Lorimer you did have a discussion with one Nagel on the subject during the course of a buggy ride or a carriage ride?—A. Nagel?

Q. Yes, sir.—A. I deny that.

Q. You do? Weren't you taken out?—A. Not by Mr. Nagel.

Q. Who took you out?—A. Shall I answer the question?

Senator BURROWS. Certainly.—A. Two constitutents of mine from Madison County asked me to take a carriage ride, and I did. Do you want to know the names?

Senator BURROWS. Certainly.—A. Mr. Lenager and Mr. Nodlier(?).

Q. And did you discuss with them the subject of voting for Lorimer?—A. No, sir.

Q. Not at all?—A. Do you want any conversation that took place?

Q. I am asking you whether you discussed the subject at all with them in reference to voting for Mr. Lorimer?—A. I did not.

Q. As a matter of fact, didn't they take you up to Mr. Lorimer at the end of that carriage ride?—A. It is not necessary to say that I had a conversation about voting for Mr. Lorimer. I saw them and they took me up.

Q. And then you had the conversation with Mr. Lorimer with reference to voting for him?—A. In their presence; yes.

Q. Now, Mr. Link, when after the adjournment of the Illinois legislature, which it is conceded was June 4 or 5, 1909, did you see Robert E. Wilson?—A. Some time in July, I presume.

Q. In July? When after the session of the legislature in June did you see Lee O'Neill Browne?—A. Some time in June.

Q. Where did you see Lee O'Neill Browne?—A. At the Southern Hotel.

Q. What date?—A. I do not know.

Q. Give the date to the best of your recollection.—A. During the month of June.

Q. The latter part, or forepart, or middle part?—A. I do not remember anything about that, sir.

Q. If the Illinois legislature adjourned on or about the 4th or 5th of June, how long after that date would you say that you met Lee O'Neil Browne in the city of St. Louis?—A. I do not remember.

Q. Whom did you meet with Lee O'Neil Browne, if anyone, when you met Lee O'Neil Browne?—A. I met Lee O'Neil Browne.

Q. Anyone else?—A. Not to my recollection.

Q. Was anyone present?—A. Not to my recollection.

Q. Where did you meet him?—A. At the Southern Hotel.

Q. How did you happen to go to the Southern Hotel in the city of St. Louis in the month of June to meet Lee O'Neil Browne?—A. By invitation.

Q. From whom?—A. I do not remember.

Q. Was it in writing or oral?—A. I do not remember, sir; that is my testimony on the stand here as a witness; I do not remember whether it was oral, or telegraphed, or written. I adhere to that testimony.

Q. But you went?—A. I certainly did.

Q. Did the message say, whether oral or in writing, the place for you to meet him, or did it not?—A. Well, it told me where to meet Mr. Browne.

Q. Where did it tell you to meet Mr. Browne?—A. At the Southern Hotel.

Q. What did it say, anything further, or did it say the purpose of meeting him?—A. No, sir.

Q. What did you conclude the purpose was?—A. I had no idea.

Q. Nothing at all?—A. No, sir.

Q. It was the furthest from your mind?

Senator BURROWS. He has so stated. Is not that sufficient?

Mr. AUSTRIAN. I am cross-examining this witness.

Senator BURROWS. That is true.

Mr. AUSTRIAN. Mr. Link, was there any surprise—did it surprise you when you received the message?—A. Not to any extent; he was our Democrat leader, and I respected him as such.

Q. You thought you were going down to a banquet, didn't you?—A. No opinion for that kind of a question.

Q. None at all?—A. None at all.

Q. You never attended a banquet with Lee O'Neil Browne, did you?—A. Oh, yes; oh, yes.

Q. When you arrived at St. Louis in this month of June what occurred?—A. I went into the Southern Hotel.

Q. Yes. Where did you go when you got into the Southern Hotel?—A. I asked where Mr. Browne's room was and the clerk there told me, or some gentleman who had charge.

Q. Did you go up?—A. Yes, sir.

Q. Unannounced, or did you send word that you were down stairs?—A. I do not remember that.

Q. What took place when you got into Mr. Lee O'Neil Browne's presence in his room in the Southern Hotel in the month of June?—A. Well, we were glad to see one another.

Q. What else took place? Were you—withdraw that—what else took place?—A. Mr. Browne handed me some money.

Q. What did he say when he handed you the money?—A. He said, "Here is a package for you."

Q. What amount?—A. I do not think he mentioned the amount to my knowledge; I don't remember.

Q. Well, did you look it over?—A. Oh, I did afterwards.

Q. How much was it?—A. One thousand dollars.

Q. Did you ask him what it was for?—A. No, sir.

Q. Weren't you interested in knowing?—A. No, sir.

Q. You just took it, did you?—A. I thought it was campaign money.

Q. When did you discover that?—A. That is my knowledge—I can not recall that.

Q. Mr. Link, you have testified before the Cook County grand jury of May, have you not?—A. I presume it was; yes.

Q. And you have testified in the first trial of Lee O'Neil Browne in the month of June, haven't you?—A. Yes, sir.

Q. And you have testified in the second trial of Lee O'Neil Browne in the month of July or August?—A. Yes, sir.

Q. Did you ever state at any time heretofore that you thought it was campaign money?—A. I do not remember whether I did or not.

Q. Mr. Link, you went back home, did you?—A. Certainly.

Q. After you got back home what did you do with the $1,000?—A. I can not tell you anything about that, sir.

Q. You do not know; is that it?—A. Well, I handle considerable money sometimes.

Q. You are a man of affluence, are you not?—A. If you think so, all right.

Q. I am asking you; I don't know. Are you a man in good circumstances financially?—A. I do considerable trading, sir.

Q. Are you a man in good circumstances?—A. Well, fairly; yes.

Q. Did you need that $1,000?—A. It came very handy.

Q. Mr. Link, did you tell anyone you got the one thousand?—A. Not to my knowledge.

Q. Mr. Link, after the 1st day of May, or 2d or 3d of May, 1909, several people inquired of you whether Lee O'Neil Browne had paid you any money in the city of St. Louis or anywhere else during the month of June, 1909, did they not?—A. I absolutely deny that.

Q. You at all times deny that; is that right?—A. Yes, sir.

Q. I think you testified before the grand jury in Chicago, Ill.; you at all times denied it, did you not?—A. I do not remember being asked the question by anybody.

Q. You do not remember Charles White coming down to see you with a man by the name of Tierney or Turner?—A. No, sir; of course they were there, but I do not remember.

Q. Weren't they there on several occasions to see you?—A. One occasion, I think—twice.

Q. He was there twice?—A. Yes, sir.

Q. And didn't you come down to the railroad station after he had visited you on your farm and didn't you say, "I want to correct my statement I made to you with respect to meeting Lee O'Neil Browne in the city of St. Louis during the month of June, 1909?"—A. No, sir; I don't remember.

Q. You do not remember going down to the station at all?—A. I go to the station three or four times a day, when I take a notion.

Q. But Tierney and White were there inquiring on this subject-matter?—A. It made no impression.

Q. On you?—A. Didn't worry me much.

Q. It didn't?—A. No, sir.

Q. Mr. Link, you weren't worried about this entire subject-matter, were you?—A. Not until I got to Chicago to the third-degree method.

Q. We will remember all the way through about the third-degree method. During the third-degree method, did you testify on any occasion different to what you are now testifying?—A. Not to my knowledge.

Q. Now, Mr. Link, after you received this $1,000 and after you went home to your home, did you again go back to St. Louis?—A. I go there two or three times a week.

Q. Well, with reference to obtaining any other packages?—A. I
id not go for that purpose.
Q. You did not?—A. No, sir.
Q. Did you go there to meet Browne or Wilson during the month
f July, 1909?—A. Yes, sir.
Q. In response to any invitation to come?—A. Yes, sir.
Q. From whom did that invitation come?—A. I disremember
hether it was from Bob Wilson or who it was from; it was an invi-
tion to be at the Southern Hotel.
Q. It was either from Lee O'Neil Browne or from Robert E. Wil-
n, was it not?—A. It was from some one connected with the Demo-
ats; I don't know who it was.
Q. You haven't any recollection on the subject?—A. Perhaps it
as Wilson.
Q. It made no impression on you at all, sir, did it?—A. Not par-
cularly.
Q. It was not anything unusual, was it? Was it an unusual request
cording to your understanding or your way of looking at it?—A.
didn't surprise me very much.
Q. Then you went down? Whom did you meet when you got
ere?—A. Robert Wilson.
Q. Did you meet him at the time appointed in the communication
u received inviting you to meet him at St. Louis?—A. I presume
was the time I had the invitation to come down there.
Q. Was the invitation oral, in writing, or over the phone—strike
t over the phone—over the phone designating the time and place
u were to meet him?—A. Yes, sir.
Q. Now, when you did meet Wilson—I understood you to say it
as Robert E. Wilson?—A. I rather think that is the word I got,
y invitation or notice, rather.
Q. From Wilson?—A. Yes, sir.
Q. That was what time, if you can tell the committee?—A. In July.
Q. About what date?—A. I don't remember the date.
Q. When you met Wilson in St. Louis where did you meet him?—
. At the Southern Hotel.
Q. Can you give us the date, please?—A. No, sir.
Q. You don't remember the date?—A. No, sir.
Q. Who was present when you saw Wilson?—A. Who was present
ght at that time?
Q. On your visit to see Wilson whom did you see that belonged to
were members of the Illinois legislature?—A. Mr. Sheppard, Mr.
lark, and Mr. Luke (he is now dead), and White.
Q. Charles A. White?—A. I think his name is Charles, and Wil-
n, I believe—Robert E. Wilson.
Q. Did you see Mr. Beckemeyer?—A. No, sir.
Q. Mr. Beckemeyer was not there on that occasion?—A. I didn't
e him if he was.
Q. Now, where did you meet Wilson, in the Southern Hotel?—A.
es, sir.
Q. Where?—A. I presume it was his room, but I don't remember
e number of the room or what room it was.
Q. It was a room in the Southern Hotel?—A. It was a room in the
outhern Hotel.

Q. When you went in the room at the Southern Hotel, or while yo were in a room at the Southern Hotel, were there some member of the Illinois legislature present whose names you have indicate to this committee?—A. They were not in the room all at one time, don't think.

Q. Didn't you see all of them there in that room at the same tim or in there while you were in there?—A. I don't remember; I sa them there at the Southern Hotel that day.

Q. When you had your talk with Wilson in the room at the South ern Hotel, any part of it, where were you, in a bathroom?—A. In room.

Q. Did you go into the bathroom?—A. No, sir.

Q. Did anyone go in the bathroom while you were there?—A Not to my knowledge.

Q. Did Wilson hand you anything?—A. Yes, sir.

Q. What?—A. A package.

Q. Did he hand it to you in the presence of the other members o the Illinois legislature, if any were there?—A. That I don' remember.

Q. Did you see him hand a package to any other member of th Illinois legislature?—A. No, sir.

Q. What did he tell you it was?—A. He says: "Here is som money."

Q. Did he say: "Here is a package?"—A. He said: "Here is package."

Q. Did you ask him about it?—A. No, sir.

Q. Mr. Link, did you count the amount of money?—A. Yes, sir.

Q. How much was it?—A. Nine hundred dollars.

Q. Were you surprised when you got it?—A. No, sir.

Q. Did you consider you were getting campaign money?—A. Well to be sure.

Q. You didn't consider you were getting anything else, did you sir?—A. I had a right to consider it that way, if I saw fit, and tha is the way I looked at it.

Q. Mr. Link, you didn't discuss the receipt of that $900, did you?— A. No, sir.

Q. What campaign did you have, or did you propose to have nex after the month of June or July, 1909?—A. I expected to go back to the next legislature.

Q. When was the next legislature to convene or candidates therefo be nominated?—A. 1910.

Q. In what month?—A. In July.

Q. In July or August, was it not?—A. Yes, sir.

Q. 1910?—A. Yes, sir.

Q. It didn't strike you as peculiar that Browne or Wilson on two separate occasions were going to contribute to your campaign ex penses more than a year prior to your candidacy, did it?—A. I told you I was not surprised.

Judge HANECY. That is argument; if the committee desire to hear it, I have no objection.

Q. Did you disclose to anyone prior to your appearance before the grand jury in Cook County, Ill., that you had received $900, and got a part thereof from Mr. Wilson in the Southern Hotel at St Louis during the month of July, 1909?—A. Not to my knowledge.

Q. Now, Mr. Link, did you discuss it with Mr. Clark or Mr. Shepd or Mr. White, Mr. Beckemeyer, or Mr. Wilson, or with anyone se?—A. Not to my knowledge.

Q. No. You were very much interested in the deep waterway, were u not?—A. Certainly.

Q. And you testified in the Browne case in the first or second or th of them that one of the reasons why you were willing to vote for r. Lorimer, if he were a candidate, was by reason of his views on the ep-waterway proposition; is that correct?—A. That was the main ason, and the only reason.

Q. That was the one impelling motive?—A. That was my reason, d the only one.

Q. Now, Mr. Link, why, if that was the reason and you were so nd of Mr. Lorimer, why did you not vote for Mr. Lorimer when his me was first suggested as a candidate for United States Senator, the 13th day of May, 1909?

Judge HANECY. I object to that, Mr. Chairman and gentlemen. his witness is a farmer, and it would not be fair to the witness to ask m any argumentative question that would not illustrate any special cts and circumstances. The question would not be permitted to be ked and answered in any court of law.

(Question read by the stenographer.)

Senator BURROWS. Answer the question.—A. I was—shall I answer my way? I was there every day and every hour of that session at the legislature was in session, and I was watching for the time nen the turn would come that my vote would help elect him. Is that tisfactory?

Q. If it is the truth, it is perfectly satisfactory.—A. It is the truth, ur honor.

Q. I am not your honor. Mr. Link, he was a candidate on the 13th y of May, 1909, was he not? He was a candidate some days before ay 26th, 1909?

Senator GAMBLE. That is, he was voted for.

Judge HANECY. I object to Senator Lorimer being called a candite.

Q. Senator Lorimer's name was voted for as United States Senator the general assembly nearly two weeks before the 26th day of May, 09, was it not?—A. My recoollection is that it was not a very big te; I think he was voted for, but that was not the time for me to te for him.

Q. You were watching for the signal or sign, were you, of indicans, before you voted for him?—A. I was watching until I felt I uld elect him.

Q. Do you think you could have elected him on the 25th of May?—On the 26th; yes, sir.

Q. Do you think you could have elected him on the 25th day of May, day before he was elected?

A. I didn't discuss that matter with any one individual, to my owledge.

Q. You didn't hear anyone discuss it, did you?—A. They didn't ll me to one side and consult with me.

Q. You didn't hear that discussed, did you?—A. I heard some different rumors, but not to my knowledge no one discussed it with me.

Q. You were going to vote for him, even though you were a Democrat, by reason of his views on the deep waterway; is that correct?—A. Will you allow me to tell you when I made up my mind to vote for him?

Q. Yes, sir.—A. In March, 1909—provided we could not elect a Democrat.

Q. As early as March?—A. Yes, sir.

Q. Had you voted for any Republican after March?—A. No, sir.

Q. Now, Mr. Link, you heard Mr. Lorimer on the deep-waterway proposition when?—A. You mean prior to the——

Q. To May 26?—A. I heard him and followed him in our county when he came there.

Q. When was that?—A. In the fall of 1908, I think.

Q. 1908. It was by reason of his views on the deep-waterway proposition that you concluded, if the occasion arose, to vote for Mr. Lorimer for United States Senator, was it not?—A. Yes, sir; I was opposed to Illinois going it alone. I wanted the United States Government to give us help.

Q. It was by reason of Mr. Lorimer's expressions on the deep waterway——A. (Interrupting.) His attitude; yes, sir.

Q. That you concluded you would vote for him for United States Senator?—A. Yes, sir; I thought he was the greatest man in Illinois.

Q. Was there any other fact that impelled you to vote for him?—A. Not any emphatic fact; no, sir.

Q. Money hadn't anything to do with it?—A. No, sir.

Q. If money had nothing to do with it, why didn't you return the money to Browne and Wilson?—A. If I get made a present that is acceptable, I will take it from you.

Q. You will?—A. Yes; if it is acceptable.

Q. If it were money, it would be acceptable?—A. If it was for my good; yes, sir.

Q. If it was for your good?—A. Yes, sir.

Q. Now, if I should walk over to you and hand you $1,000 you will first take the money and thereafter conclude whether it is for your good, will you?

Judge HANECY. I object to that.

Senator BURROWS. Let him answer the question.

Mr. AUSTRIAN. I will withdraw the question.

Q. Mr. Link, did you ascertain or did you have any knowledge that anyone else was paid any money?—A. No, sir.

Q. You never discussed that with anyone?—A. No, sir.

Q. You never discussed it with Joe Clark?—A. No, sir.

Q. You never discussed it with Wilson?—A. No, sir.

Q. You never discussed it with Mr. Beckemeyer?—A. No.

Q. You never discussed it with White?—A. No, sir.

Q. You never discussed it with anyone?—A. Not to my knowledge.

Q. Joe Clark, at any time, did he, Mr. Link, tell you to hold out until you received $1,000, or the promise of $1,000?—A. Whether he told me?

Q. I am asking you, did he tell you that?—A. I am asking you a question whether I told him.

Q. Did he tell you that?—A. No, sir.

Q. Or anything concerning it?—A. I personally promised my ote, gentlemen—I did not sell my vote—I personally promised it to r. Lorimer without any——

Q. (Interrupting.) Did Joe Clark ever discuss with you prior to e 26th day of May, 1909, not to promise to vote for Lorimer and not vote for Lorimer until you had been given to understand that you ere to receive $1,000?—A. No, sir; not to my knowledge.

Q. You don't know?—A. Well, no. I know I talked lots of times, t I don't remember those things; so do you.

Q. Never mind what I do.—A. Then never mind what I do.

Q. Will you say you never had any such talk with Joe Clark?—A. don't remember, gentlemen, of having a talk of that kind, so far money matters go, about my voting for Senator Lorimer; I deny y matters of that kind with Mr. Clark or anyone else.

Q. Will you deny having any such talk with Joe Clark?—A. What lk?

Q. That you should not vote for Lorimer or agree to vote for orimer to Browne or anyone else until you had been promised ,000, or been given to understand that you were to get $1,000 for doing?—A. I absolutely deny, gentlemen, and this is the second me I have denied about any money matters or anything else relating money.

Q. I want you to deny, if it is a fact, that you had no such con- rsation with Joe Clark.—A. Not to my knowledge; I don't be- ve I did, sir; that is the best of my opinion, and that is as far as can go. Can you bring me any farther?

Q. I don't want to bring you any farther than you want to go.— . All right.

Q. Mr. Link, you were a follower of Lee O'Neil Browne's?—A. I ted for him.

Q. You were what is commonly called a member of the Browne ction; yes or no, please?—A. Yes; I guess that is the way to put ; yes, sir.

Q. Did anyone prior to your voting for Lorimer on the 26th day May, 1909, say to you, "That this is the day it is to come off," or This is the day you are to vote for Lorimer," or anything akin to at, or with reference to it? Yes or no, please.—A. Did anyone? es; I will say on that day I heard rumors, and I believed them.

Q. You heard a rumor?—A. Yes, sir; and I believed it.

Q. You didn't hear from anyone specifically—it was just a ru- or?—A. I guess it was some of my seat members; it was not rowne—it was not.

Q. Who was it?—A. I don't remember; somebody that sat near me.

Q. What did they say?—A. "To-day is the day that Lorimer is ing to be elected," or "We are all voting for Lorimer," and I gladly cepted the chance.

Q. Prior to that no one else talked with you about it?—A. No, ; not to my knowledge.

Cross-examination by Judge HANECY:

Q. You are a farmer, I believe, are you?—A. Yes, sir.

Q. And have been all your manhood life?—A. All my life; born a farm.

Q. You have lived in Madison County for how long?—A. Twenty-three years.

Q. You live out some distance from——A. (Interrupting.) A mile from Mitchell, a little station.

Q. When were you first elected to the legislature?—A. In November, 1906.

Q. Is it not a fact that everybody from the southern part of Illinois, Republicans and Democrats, who desire to meet each other at any place, generally go to St. Louis?—A. Yes, sir; from time to time men for years have met members of the legislature there.

Q. Was it very much easier to go to St. Louis than to any other town that has any hotel accommodations south of the central part of Illinois?—A. Yes, sir.

Q. It is very much easier to go there than from any other part of southern or central Illinois than it is to go to Chicago, isn't it—very much easier to go to St. Louis?—A. Yes, sir.

Q. It is practically a uniform practice, is it not?—A. Yes, sir.

Q. When anybody, for political or other reasons, want two or three to get together for any purpose, they meet at St. Louis?—A. Yes, sir.

Q. That has been the case for a great many years?—A. Yes, sir.

Q. You never saw me before this morning, except when you heard me arguing on the constitutionality of a bill before the judiciary of the house several years ago?—A. I recall one time, Mr. Hanecy, I think I saw you, but didn't meet you.

Mr. AUSTRIAN. I don't think that is proper.

Judge HANECY. He asked me this morning if I was not Judge Hanecy. I didn't know him and never saw him.

Senator BURROWS. Proceed.

Mr. AUSTRIAN. All right.

The WITNESS. To my recollection, Judge, you were making a speech and I was in Chicago calling on some friends, and you were making a talk, perhaps it was about the Irish League.

Q. Irish Fellowship?—A. Yes, sir; I didn't meet you at that time; I heard you speak there. Outside of that I have not seen you since the forty-fifth general session. I heard you speak that day.

Q. That was an argument on the constitutionality or unconstitutionality of some bill before the judiciary committee of the house?—A. Yes, sir.

Q. You and I didn't talk then?—A. No, sir.

Q. Did you ever see me to talk to me other than this Irish Fellowship affair, until this morning?—A. No, sir.

Q. Then when I stepped into Mr. Nicholson's room to speak to Mr. Nicholson for a moment, somebody called me by name and you then came up and said, "Is this Judge Hanecy?"—A. Yes, sir; that is true.

Q. Is that a fact?—A. That is a fact.

Q. What did you do then, except to tell me who you were?—A. I told you that I was a member of the forty-fifth general assembly when you made a speech there on the constitutionality of a certain act; we spoke about that.

Q. Did you tell me your name when you first came up and asked me whether I was Judge Hanecy?—A. Yes, sir; I says, "This is Representative Link."

Q. Then I left and went in another part of the room?—A. Yes, sir.
Q. Then left the room entirely and haven't seen you since until I came here?—A. That is a fact.
Q. You were subpœnaed here as a witness before the grand jury, were you not?—A. Yes, sir.
Q. May I go back just a little ways? Before you came up to Chicago, you were asked by Mr. Austrian if Mr. White—C. A. White—I assume, and Mr. Tierney, I assume that is the man Turner, who was known as Tierney—that is right.
Mr. AUSTRIAN. I don't know; I got the name Tierney from you; I don't know what man you refer to.
Judge HANECY. He was a detective. To identify him as the same man, that is all. This is the same man, isn't it?
Mr. AUSTRIAN. That is the man I referred to.
Judge HANECY. He is a detective.
Mr. AUSTRIAN. Yes, sir.
Q. About when was it that any detective went down to talk with you?—A. I disremember; I remember nearly everything, and I remember of him calling on me there; I presume it was sometime in April; I am not certain about that matter, though.
Q. Was it as early as February or March?—A. No; I think not; I disremember what time it was though; I didn't put it down in my memory.
Q. Do you remember when the Tribune published the story that was claimed to have been written by White?—A. Not the date. I didn't read the story in the Tribune.
Q. But the occurrence?—A. Yes, sir.
Q. Do you know whether Mr. Turner and Mr. White saw you before that publication or after?—A. I don't know as to that.
Q. How long was it before you were asked to come to Chicago here and see the state's attorney or was summoned before the grand jury, did White and Turner or Tierney go down to talk with you?—A. Perhaps three weeks or something of that kind.
Q. Three weeks before?—A. Three weeks after Mr. Tierney and Mr. White were at my place; something of that kind; I am not positive.
Q. About three weeks after they were there to your place, you were summoned up here in Chicago?—A. Yes, sir.
Q. Did Tierney and White talk with you or come down there more than once?—A. Not White; Tierney was there the second time, and I pretty nearly forgot the incident, when I met him somewhere about Mitchell, about the station. I went in for my mail, or, perhaps, to buy something.
Q. Did he try to get some information from you or try to get some admissions from you?—A. He certainly did.
Q. Did he tell you that he was a detective connected with the Maguire and White Detective Agency, detectives for the Chicago Tribune?—A. No; he said he represented Governor Deneen.
Q. He told you he represented Governor Deneen?—A. And I supposed he did.
Q. Did he talk with you about your voting for Senator Lorimer at that time, and try to get admissions from you on that question?—

A. Yes, sir; there was some conversation in that line; but I didn't believe him; I thought he was an impostor.

Q. You were then summoned or told to come up here?—A. Yes, sir; by subpœna.

Q. By whom?—A. Our deputy sheriff of Madison County, I think, and some gentleman there with him; I disremember the gentleman's name.

Q. And you did come up?—A. I certainly came up.

Q. When you came up where did you go?—A. I went to the Morrison Hotel.

Q. Then did you go to the state's attorney's office?—A. Yes, sir.

Q. Did you see somebody there? Who was there that you saw?—A. Well, I was there quite a while. I don't know what you have reference to.

Q. When you went to the state's attorney's office did you see Mr. Wayman, the state's attorney, or Mr. Arnold, or Mr. Marshall?—A. Mr. Arnold and Mr. Marshall, I think; I did not see Mr. Wayman.

Q. Which one did you see?—A. I think it was Mr. Marshall, I am not positive; I rather think it was.

Q. It was one of the assistant state's attorneys?—A. Yes, sir; one of the assistant state's attorneys.

Q. What talk did you have with Assistant State's Attorney Marshall about this matter; I don't want anything else about your testimony as to your voting for Senator Lorimer, or anything connected with it?—A. Well, he insisted——

Mr. AUSTRIAN. No.

Q. Tell the conversation as near as you can.—A. I had several conversations; I disremember the first one I had with him.

Q. Tell the conversation, the language used by each as nearly as possible, and if you can not do that, give the substance as nearly as you can.—A. Well, I had a conversation with Mr. Marshall something like this: He says to me, "If I were you I would not be here telling damned lies before this grand jury; I would tell the truth." Then I told him he would not tell me that outside very well or we might mix.

Q. Had you been before the grand jury then?—A. I think I had; yes, sir.

Q. What I want to do is to commence before—just before you were taken to the grand-jury room, and I would like to have you——A. (Interrupting.) I didn't have any particular conversation to my recollection with anyone of the assistant state's attorneys.

Q. You went there, you don't remember how, and was taken before the grand jury?—A. Yes, sir; when my turn came.

Q. They asked you there in relation to your voting for Senator Lorimer for United States Senator?—A. I was in the grand-jury room, yes, sir.

Q. That is what I wanted to know.—A. Yes, sir.

Q. You were examined by whom?—A. By Mr. Wayman.

Q. By Mr. Wayman himself?—A. By Mr. Wayman himself; yes sir.

Q. What did he ask in relation to that subject? I don't care about anything else.

Mr. AUSTRIAN. I desire to make the same objection I did yesterday.

A. He asked me if I voted for Senator Lorimer, and I told him yes. According to my recollection I told him, "Certainly, I voted for Senator Lorimer and was proud of it; no excuses to make."

Q. What took place then? Did he ask you if you had been paid anything for voting for Senator Lorimer?—A. Yes, sir.

Q. What did you tell him?—A. I absolutely denied it.

Q. You didn't tell this to Mr. Wayman individually, but in answering his question to the whole grand jury?—A. Yes, sir.

Q. All the conversation you had with Mr. Wayman in the grand jury room was public conversation before the grand jury?—A. That is all at that time. I had some conversation—at that time—yes, sir—at that time.

Q. Now, did Mr. Wayman say to you, "Now, didn't you get a thousand dollars for voting for Senator——

Mr. AUSTRIAN. I object to that. Let him state all the conversation; I don't like to have counsel testify in relation to the conversation.

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember and your replies.—A. I denied receiving any money for voting for Senator Lorimer.

Senator BURROWS. What else?—A. Denied meeting parties in St. Louis; I didn't remember of meeting them, that is, at that date.

Q. They asked you whether or not you had made any promises or agreements to vote for Senator Lorimer?—A. No, sir; no, sir; not at that time. I was afterwards before—the first time I guess not—guess not—I don't remember that.

Q. Then did you leave the grand jury room?—A. Yes, sir.

Q. After those different questions were asked you?—A. Yes, sir; at that time I did.

Q. Do you remember what day of the week or day of the month that was you first went before the grand jury?—A. That was the 5th or 7th of May; it was right along there, the early days of May.

Q. May of this year?—A. Yes, sir; May of this year.

Q. When you left the grand jury room were you put in the custody of an officer?—A. I certainly was.

Q. Were you indicted at that time or was there any complaint or charge made against you at any place?—A. No, sir.

Q. Who put you in charge of an officer?—A. Well, I presume Mr. Wayman did. To my knowledge I was in charge directly of an officer.

Q. Who was the officer?—A. Well, there were two or three different officers.

Q. The first one?—A. I disremember his name. Mr. O'Keefe was with me most of the time.

Q. Was it Oake?—A. I think that is his name.

Q. He was the first officer?—A. Yes, sir.

Q. He was a police officer, a detective appointed to the State's attorney's office at that time?—A. Yes; I understood so.

Q. Did he take charge of you at that time?—A. Certainly.

Q. How long did you remain in his custody?—A. I disremember.

Q. About?—A. The first night I think I went to dinner with him—the first night, I believe; that would be on Wednesday night of the week; and I remained in his custody and he kept his eye on me like I was a criminal.

Q. When you were in the same hotel with Officer Oake did some lawyer come there and ask you and Oake what right Oake had to keep you in custody, and did Oake tell this man——A. (Interrupting.) That was not Oake; that was later in the week.

Q. That didn't take place with him?—A. No, sir; that was later. Oake would not allow me to telephone to friends, and was keeping his eye on me, and I was not allowed to discuss any matters at all.

Q. Was he armed at the time, and did he take out his revolver and his billie and put them on the table in the hotel, so you could see them?—A. He did not, but other detectives did; I suppose he was armed, but I don't know to my knowledge.

Q. Other officers did?—A. Other officers did.

Q. Were you continuously in the charge of some officer of the State's attorney's office, after that time?—A. I certainly was.

Q. Up to what time?—A. Until I was permitted to go home on Saturday morning.

Q. What day?—A. It was the week I was here; I disremember—it was from the 5th, 6th, 7th, 8th, or 9th, or something of that kind, of May.

Senator BURROWS. It was Saturday morning of that week?—A. Yes, sir.

Q. You came up here what day of the week?—A. I came here Tuesday evening.

Q. You went before the state's attorney—went before the grand jury Wednesday morning, did you?—A. I believe so.

Q. When you went back home again, did an officer go with you?—A. Not at that time.

Q. Did an officer from the state's attorney's office come down and get you afterwards?—A. Yes, sir.

Q. When after that Saturday morning that you went home?—A. That was the—well—I wish to correct that. I got a subpœna served to me to go to Springfield on my return home Saturday evening of this week. I went to Springfield from this subpœna and acknowledged it, and a detective went home with me from Springfield and stayed with me.

Q. That was a subpœna to appear before the grand jury at Springfield?—A. Yes, sir.

Q. When was that?—A. That was the week following I was here.

Q. Was it the first of the week or the middle of the week or the last?—A. Well, I think it was on Monday following the Saturday I left Chicago.

Q. When did you leave Springfield to go home? You got there Monday?—A. That evening.

Q. Monday evening?—A. Yes, sir.

Q. Did an officer from the state's attorney's office of Cook County go with you back home from Springfield on Monday evening?—A. Yes, sir.

Q. Did he take you into custody?—A. Well, I was not arrested.

Q. Did he stay with you there all the time?—A. He went to my house, but went to St. Louis, I believe, one day while at my house

in the country; but he went home with me and stayed with me, but, of course, he went to St. Louis during one day.

Q. He was with you wherever you went?—A. Yes, sir.

Senator PAYNTER. Was that officer from Chicago or Springfield?—A. Chicago.

Senator GAMBLE. How long was he with you?—A. Four days.

Q. At your home?—A. Until I insisted upon having him called off.

Q. Did he stay at your home?—A. Yes, sir.

By Judge HANECY:

Q. All the time?—A. Yes, sir.

Q. Except when you went out, and then he went with you?—A. He went to St. Louis during that time by himself.

Q. How far are you from St. Louis, about?—A. About 15 miles.

Q. You can go there by electric line?—A. Yes, sir; and get back in two or three hours, at any time.

Q. Then did another officer—I will withdraw that—did the state's attorney of Sangamon County, Springfield, send any officer with you after you had been examined there before the grand jury?—A. No, sir.

Q. He never had you in custody?—A. No, sir; they don't use those methods.

Q. When the officer left Springfield—the officer from the state's attorney's office in Cook County left with you to go to your home from Springfield—did he have any warrant against you?—A. No, sir.

Q. Had there been any indictment or complaint or charge against you of a criminal nature? Were you indicted and did he take you into custody.

Mr. AUSTRIAN. I object to that as a conclusion.

Q. (Continuing). That you know of?

Mr. AUSTRIAN. I object to that.

Senator GAMBLE. Was there any warrant for your arrest?—A. No, sir.

Senator GAMBLE. Or a subpœna served on you?—A. A subpœna to appear at Springfield.

By Judge HANECY:

Q. After you left Springfield and went back home was there any subpœna or warrant against you?—A. No, sir.

Q. What was that officer's name?—A. That was O'Keefe that called for me.

Q. J. J. O'Keefe, I think.

(No answer.)

Senator GAMBLE. Do you intend to show by this witness duress?

Judge HANECY. Yes, sir.

Senator GAMBLE. There is another conference committee of the United States Senate that is proceeding with its investigation into matters of the third degree.

Judge HANECY. I think every State in the Union ought to have one.

Senator GAMBLE. Proceed as rapidly as you can.

Senator JOHNSTON. What did the officer say he accompanied you from Springfield for?—A. He claimed it was for my own protec-

tion. I told him positively that I needed no protection; that I could protect myself.

Q. Did he insist upon staying at your house?—A. He was under orders from a gentleman in Chicago.

Senator GAMBLE. Did he pay his board while there?—A. He gave my wife a present; he offered to pay me and I told him "no," and he gave my wife a present for his board.

By Judge HANECY:

Q. Who was the next officer who had charge of you?—A. Well, I think after that time I was under the direction of O'Keefe until I read what is called the "riot act" to Wayman.

Q. When was that?—A. That was about a week before the first Browne trial, when I told Wayman no more detectives for me. "If you have got a warrant, arrest me; if I am guilty of anything, arrest me; but no more detectives; I shall not submit to detectives any longer." That was my conversation.

Q. Do you remember this incident of a young lawyer coming there and saying to you and some officer of the state attorney's office, "What are you holding this man for?" Do you remember that circumstance?—A. No; the substance I do; I don't remember the exact language.

Q. What officer had you in charge when that took place? Was that O'Keefe or some one else?—A. I think it was O'Keefe; I don't believe I was under the charge of anyone except O'Keefe after my first appearance in Chicago.

Q. Did O'Keefe then go to Chicago with you and stay with you at the different hotels or wherever you were kept?—A. He did until a week before the Browne trial; then no more detectives after that for me.

Q. He did stay here until that time?—A. Yes, sir.

Q. Now, was he in the room of the same hotel or place here in Chicago when you and Detective O'Keefe were there, when this young lawyer came in and asked O'Keefe, "Why are you holding him in custody?"—A. I certainly was. I remember the conversation, I think; but I paid no attention to it at that time.

Q. Did the detective threaten that if this lawyer did not get out that he would arrest him and take him before the grand jury?—A. It made him rather spunky; I disremember the exact words, but he said something in that line.

Q. He gave him to understand that he would have to keep away?—A. Yes, sir.

Q. The first trial of Browne commenced about the 7th to the 10th of June; that is right, isn't it?—A. Yes, sir; I think so.

Q. Now, after you were before this grand jury, the first grand jury, and told Mr. Wayman, the state's attorney, and the grand jury that you never got any money from anybody, Browne or anybody else, for voting for Lorimer for United States Senator, were you indicted?—A. I was indicted for perjury either the second or third day I was here—I am not positive which—after my denial.

Q. Was it the second or third day after you first went before the grand jury?—A. It was either the second or third day, I guess the second. I am not positive whether the second or third day.

Q. You were indicted for perjury?—A. Yes, sir.

Q. By the same grand jury you had been before?—A. Yes, sir.

Q. Was it for perjury for not telling them you had received money for voting for Lorimer?—A. That I had not met Robert Wilson—no money consideration in it at all—but that I had not met Robert Wilson.

Q. After you were indicted for perjury were you taken by the state's attorney or any of his assistants and talked with about your testimony and about your indictment?—A. I guess I was.

Q. Now, what was the first thing that was done after you were indicted for perjury by him?—A. They kept flaunting the indictment for perjury against me.

Q. Doing what?—A. Putting it in front of my face, showing it to me and speaking to me.

Senator GAMBLE. Who did that?—A. The assistant state's attorney and the state's attorney himself.

Q. Tell the names of the assistant state's attorneys.—A. Mr. Marshall.

Q. Did State's Attorney Wayman do that, too?—A. He didn't throw it in my face; he would show it to me and talk to me about losing my home, putting my home on one side and the penitentiary on the other.

Q. State to this honorable committee what State's Attorney Wayman told you about the indictment for perjury?—A. He told me if I would go before the grand jury and state that I had received some money from Browne and Robert E. Wilson that I would be cleared and go home a free man. That is what he told me.

Senator BURROWS. Anything else said?—A. Well, I told him that I had told him all I knew, and he denied that I had. We kept up the conversation, and he said he was a farmer himself in his early days South. I told him I was a farmer, and he told me, he says: "You come up here"—the conversation drifted along this line—"and let these Chicago lawyers get a hold of you and they will take your farm away from you." That was the line of talk; and he told me to rest over that night—that was Friday evening—and to come in by 10 o'clock on Saturday morning and make a confession, and he would have the perjury charge expunged from the record, and I would go home a free man. That was the sum and substance of the conversation.

Q. They had more than an hour to talk to you about that?—A. Yes, sir; something of that kind.

Q. What time of day was that conversation; what time did it end?—A. It was somewhere between 5.20 and 6.30; it was 6.30 when I left the Criminal Court Building that evening.

Q. Then were you put in the custody of an officer when you left the State's attorney?—A. Yes, sir.

Q. Who was that officer?—A. That was Mr. O'Keefe.

Q. What did he do with you?—A. He took me back to the Morrison Hotel.

Q. Did he stay there with you?—A. Yes, sir.

Q. All the time?—A. Yes, sir.

Q. Was it he that took his revolver billie out and put it on the table in your presence?—A. Yes, sir.

Q. Did he talk with you about what the State's attorney talked to you about—about your going back and telling what the State's attorney wanted you to tell?—A. Yes, sir.

Q. What did Detective O'Keefe from the State's attorney's office say to you in that respect?—A. He said: "Link, I would not stand by the other fellows, I would stand by Wayman, he is the man to stand by in this matter; make a confession. I don't like to see you get into trouble and you are going to get into trouble."

Q. Tell the rest of it. A. That was the substance of the conversation; that was the principal point of the conversation.

Q. He said: "You go back and tell Wayman"——

Mr. AUSTRIAN. The witness has stated the conversation, and it is not necessary for counsel to put his construction or résumé on it.

Q. Mr. Link, how long during this conversation between you and O'Keefe, how long did O'Keefe talk to you?—A. Off and on, but I disremember the number of times; it was not continuous, of course, but off and on during the time he was with me.

Q. Off and on between the times you and the state's attorney had the talk and he took you back there?—A. Prior to that night, too.

Q. All the time you were in his custody?—A. Yes, sir.

Q. Now, did Officer O'Keefe take you back to the State's attorney's office the next morning?—A. Yes, sir.

Q. That would be Saturday morning?—A. Yes, sir.

Q. Did you talk with, or did Thomas Maguire, of the Maguire & White Detective Agency, talk with you?—A. Yes, sir; he was present nearly every time I met Wayman, and Wayman and myself were in Wayman's room.

Q. What did Maguire say to you?—A. He tried to put words in my mouth several times.

Q. Words about what?—A. He said I should not be friendly to the Browne side, and the Lorimer side, and so forth; "It doesn't look well, Link; that don't look well." I told him it was none of his business; I would take up for my friends wherever I saw fit to take them.

Q. Did Thomas Maguire, the detective, say this to you—that you had better tell what you knew or you would go to the penitentiary; did Maguire say that to you?—A. I rather think one of the assistant State's attorneys told me that; I don't know whether Maguire said that to me or not, but his conversation ran on that line. I think that was Arnold; twenty minutes before 5 o'clock that evening of that week.

Q. What was that conversation you had with Assistant State's Attorney Arnold in which he said that to you?—A. Mr. Arnold came to me and says, "Link, you have got just twenty minutes to save your life." I says, "What do you mean?" He says, "You have got just twenty minutes to go in and tell all you know to save your life." I says, "I have told all I know." He says, "All right, Link, it is your funeral; it is not mine." He goes into the grand jury room and an indictment was returned that evening. I told him I had told all I knew.

Senator PAYNTER. An indictment against you?—A. Yes, sir; for perjury.

Q. Arnold said that to you—A. He said I had twenty minutes to save my life.

Q. That was just before——A. (Interrupting.) Twenty minutes before the grand jury adjourned at 5 o'clock, Friday afternoon or evening.

Q. Were you told that night that you were in the custody of an officer of the State's attorney and that you had been indicted for perjury?—A. Yes, sir.

Q. Who told you that? Was it a detective or one of the assistant State's attorneys?—A. It was, I think, Mr. Wayman himself that told me that.

Q. Mr. Wayman himself told you that?—A. I think so.

Q. Did Mr. Arnold say to you in that conversation that you have been referring to, just before you were indicted for perjury, that if you didn't tell what they wanted you to that they would send you to the penitentiary?—A. That it was my funeral; yes, sir.

Q. Did he use the word "penitentiary"—that he would send you to the penitentiary?—A. I am not quite certain; I am not positive; but he used that kind of terms to me.

Q. Did he lay special stress upon the word "penitentiary" in talking to you?—A. Mr. Wayman laid more stress on that than any of his assistants.

Q. That is, that he would send you to the penitentiary?—A. He pictured it very, very strenuously between the penitentiary and my home.

Senator BURROWS. Will you state what he said?—A. He said, "It will be much better for you to be here with your family than to go to the penitentiary and lose your home." He pictured what the penitentiary was, and so forth.

Senator BURROWS. What did he say?—A. That I might lose my home, and he put a great deal of stress on the penitentiary and my home—I being a farmer away from my home and my family.

Senator BURROWS. Was this just before the indictment—A. Yes, sir.

Senator BURROWS. How long before?—A. Pardon me, I will change that. I think that was right after that, 5 o'clock when they adjourned, after the indictment; yes, sir. This conversation took place with Mr. Wayman and myself. I didn't go before the grand jury until Saturday morning.

Q. Again?—A. Again; this was on this Friday evening.

Q. Did Mr. Wayman say anything in picturing the penitentiary on one side and your home on the other about your wife?—A. Why, certainly.

Q. Tell the committee what he said?—A. Well, that I would lose my home, and that meant I would lose my wife, too.

Q. Did he say what would be done if you would go before the grand jury and tell what he wanted you to?—A. That I could go home a free man and not a perjurer in any manner, shape, or form.

Senator BURROWS. If what?—A. If I went before the grand jury and made an acknowledgment.

Senator BURROWS. An acknowledgment of what?—A. If I had received $1,000 from Browne.

Senator FRAZIER. Was that true that you had received $1,000?—A. I shall not deny it; it is true.

Q. Did not the state's attorney say to you that if you would go in and say that you had received $1,000 from Browne for voting for William Lorimer for United States Senator that you could go home?—A. Yes, sir.

Q. That was not true?—A. That was not true; no, sir.

Q. And that was what the state's attorney wanted you to tell the grand jury, was it not?—A. I presume just two answers if I would answer when I went before the grand jury; that is all that Mr. Wayman asked me, was those two questions.

Mr. AUSTRIAN. What were they?

Judge HANECY. I am examining him.

Mr. AUSTRIAN. I submit he should state to the committee what they were?

Senator BURROWS. We will probably get at that.

Q. Did Mr. Wayman there tell you at that time that he indicted you, and that he was going to take you before the criminal court, if you did not tell the grand jury what he wanted you to tell?—A. I don't quite understand the question.

Q. Did Mr. Wayman tell you that you had been indicted and that he would take you before the criminal court for trial on that indictment if you didn't go before the grand jury and tell that body what Mr. Wayman wanted you to tell?—A. Why, certainly; he said I would have to give a bond, and it was a $15,000 bond, and they made it $5,000, I think.

Q. Did Mr. Wayman tell you what he would do if you would go before the grand jury and tell them what he wanted you to tell them? Did he tell you what he would do with the indictment?—A. Nolle pros it and have it expunged from the record, so in future years it would not be on the record.

Q. Did you say to Mr. Wayman, "Well, I will go before the grand jury and lie if I have to; but I don't want to?" Did you say that or that in substance?—A. That in substance.

Q. Did Mr. Wayman then take you before the grand jury?—A. I went with Mr. Wayman before the grand jury a few minutes before 10 o'clock Saturday, the following day after this conversation took place.

Q. Did you tell the grand jury then on the questions of Mr. Wayman what Mr. Wayman wanted you to tell them?

Senator BURROWS. What did he tell?

Q. What did you tell the grand jury, then?—A. I told the grand jury that I had received $1,000 from Browne and that I had received $900 through Robert Wilson; that is what I told the grand jury.

Q. Did you tell the grand jury that you had received that money or any part of it for voting for Senator Lorimer for United States Senator?—A. Positively no.

Q. Just before you went before the grand jury that last time did Mr. Wayman tell you that if you would go and tell the grand jury what he wanted you to you would keep out of trouble and keep from disgracing your family?—A. Yes, sir.

Q. After you went before the grand jury with Mr. Wayman the last time and told the grand jury what Mr. Wayman asked you to, what, if anything, did Mr. Wayman or his office do in relation to the indictment against you for perjury?—A. Well, he took me before Judge McSurely, I think it was, and said: "Mr. Link has made a clean breast of the whole affair." I didn't know what he called a "clean breast," but those were his words. I denied making a clean breast of anything except the truth.

Q. Did Mr. Wayman have the indictment against you quashed?—A. Yes, sir.

Q. He took you before Judge McSurely and asked to have it done, nd Judge McSurely did it?—A. Yes, sir.

Q. Did you still continue in the custody of the officer?—A. No, sir; e allowed me to go home.

Q. Did he put you in the custody of an officer after that time?—. Certainly.

Q. When?—A. The following week.

Q. That was Saturday that he dismissed the indictment against ou?—A. Yes, sir.

Q. When did you go home?—A. The morning train, 11.35, on the . and I. that morning; 11.35 that morning; I hurried over to the ain.

Q. When, the next week, were you put in the custody of another fficer?—A. Monday night or Tuesday night—I think it was Monay night of the following week. A subpœna was served on me to o to Springfield, and immediately on my return home on that Saturday evening—I returned home about 6.30; that is my home town; didn't get home quite that early.

Q. Did that officer or some other officer from the State's attorney's ffice keep you in custody all the time—until about the time of the rst Browne trial?—A. I wrote a letter to Mr. Wayman that I would ot submit to it, and told him personally when I came to Chicago, o more detectives for me; that I would not play hide and go seek any nger; that I was not a criminal, and that I would not stand for it. wrote him such a letter from my home, and told him to recall Mr. 'Keefe, which he did.

Q. When was that?—A. After he was with me; I think about four ys there.

Q. Do you remember what day of the month that was, or what onth?—A. No, sir; it was during the month of May.

Q. When was it with respect to the commencement of the first rowne trial?—A. It was some little time before the commencement the trial.

Q. About how long?—A. About three or four weeks; perhaps three eeks or something; I don't know. I told him positively that I ould not submit to it, and when I saw Mr. Wayman, a week before e first Browne trial, I told him that personally.

Q. What I want to know is, if you were put into the custody of an ficer from the State's attorney's office after you were indicted for rjury and that indictment for perjury had been dismissed?—. Yes, sir.

Q. You were still kept in the custody of an officer?—A. Yes, sir.

Q. Was there any charge against you of any kind that you know ?—A. None whatever.

Q. After that indictment for perjury had been dismissed?—. Well, by Mr. Wayman's advice I refused to answer questions at ringfield. I had to go to Springfield two or three times, and at s advice refused to answer the questions.

Q. Were you summoned before the grand jury in Springfield as a tness?—A. Yes, sir.

Q. Did Mr. Wayman know that you had been summoned as a witss there?—A. Yes, sir.

Q. Did he talk with you about whether you should go before the and jury in response to the subpœna of the court?—A. Not as to

whether I should go, but as to whether I should answer certain questions or not.

Q. Did he tell you whether or not you should answer questions that might be asked you?—A. Yes, sir.

Q. By the grand jury or the state's attorney of Sangamon County?—A. Yes, sir.

Q. What did he tell you?—A. He told me not to answer, but to stand on the ground that I might incriminate myself by answering any questions before the grand jury.

Q. Did you tell Mr. Wayman that you were not afraid of incriminating yourself?—A. Certainly; I told him I wanted to answer the questions my way that were put to me there.

Q. What did he say to you?—A. "Don't do it, Link; don't do it."

Q. Did he know that the state's attorney and the grand jury of Sangamon County had summoned you before the grand jury to testify in relation to these matters?—A. Yes, sir.

Q. What did he tell you as to the subject-matter? Did he tell you not to answer the questions of the state's attorney or the grand jury of Sangamon County?—A. If the senatorial committee please, the question all hinged upon one answer, "No" or "Yes," to one certain question, and that question was, "Did you receive or were you offered or do you know of anybody being offered any money in Springfield for voting on any question?" That was the question, and when I finally got permission from Mr. Wayman, which I answered positively, right straight out, "No." I answered, "No." That is all there was about that. He wouldn't let me answer the question at all.

Q. Did Mr. Wayman tell you to answer "No" to that question put by the state's attorney and grand jury in Sangamon County?—A. He had a representative—Mr. Reed, the lawyer there at Springfield—that read a great many decisions in relation to incriminating yourself, etc.

Q. Did he send an assistant down there—an assistant attorney—to Sangamon County grand jury with you?—A. Not with me; but there was one there.

Q. He met you there?—A. Yes, sir.

Q. To advise you and represent you there?—A. Yes, sir.

Q. Who was he?—A. An attorney by the name of Reed.

Q. F. F. Reed?—A. I don't know his initials; but his name was Reed, from Aurora, I think.

Q. Did you have a conversation in the criminal court building about a week prior to the trial of Lee O'Neill Browne with H. J. C. Beckemeyer, in the criminal court building about a week before the first Browne trial began?—A. Yes, sir; it was just about a week before—a week prior.

Q. Did Beckemeyer say to you, "Our testimony will be alike, word for word"? And did you say, "No, Beck, I have got the best of you; I promised to vote for Lorimer eight or ten days before Browne spoke to me about it"?—A. That conversation took place.

Q. As I read it?—A. Yes, sir.

Q. Did Beckemeyer say to you, "Yes; you have the best of me in that"? Then did you say to Beckemeyer: "Beck, I don't believe that Lorimer ever put up a dollar for his election, or that anybody else ever put up a dollar for him"? And did Beckemeyer say, "I don't

)elieve he did, either" ?—A. That was the conversation, word for word, as near as I can remember it.

Q. Did you ever receive any money or any other thing of value from anybody—Browne, Wilson, or anybody else—on condition, or on the promise or agreement or understanding, directly or indirectly, that you were to vote for William Lorimer for United States Senator?—A. I certainly did not.

Senator GAMBLE. Or after he had voted for Lorimer.

Q. Did you ever receive any money from Lee O'Neil Browne, Bob Wilson, or R. E. Wilson, whatever his name is, or anybody else, or from any source whatever, or did you receive any other thing of value at any time from anybody because you had voted for William Lorimer for United States Senator?—A. No, sir.

Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for William Lorimer for United States Senator, or if you had voted for William Lorimer for United States Senator, any consideration of any kind?—A. None whatever.

Q. Did you vote for William Lorimer for United States Senator for any other reason than that you liked him, and that you favored and that your people favored the things he favored in relation to the deep waterway from the Lakes to the Gulf?—A. That is why I voted for him.

Q. Your county, the largest county in your senatorial district, is Madison County?—A. Yes, sir. It borders on the Mississippi.

Q. And bordering on the Mississippi, it would be affected by this deep waterway?—A. Yes, sir.

Q. You stated to the counsel on the other side on the direct examination that you heard Senator Lorimer speak on the deep waterway; was that in your county or one of the counties in your senatorial district?—A. He spoke three times in the fall of 1908 in Madison County, and had charts with him explaining the plans, etc., and the practicability, and I was deeply interested. I heard him at two places, and I heard him at Granite City and also at Edwardsville, and I was taken up, naturally, with his arguments.

Q. As to the deep waterway?—A. Yes, sir.

Q. He had plans and charts of the proposed way?—A. Yes, sir.

Q. Did you hear William Lorimer talk upon that same subject in the legislature?—A. I heard every word, and that was when I made up my mind, which was in March, 1909; I made up my mind that if I could elect William Lorimer Senator I would do so, provided we could not elect a Democrat; with that provision.

Q. Did you hear William Lorimer talk on the deep waterway before the legislature there at the same session at which he was elected Senator?—A. Yes, sir; he was elected the following May after March.

Q. Was the deep waterway the liveliest issue before that session of the legislature?—A. Unquestionably.

Q. And the speech you heard Senator Lorimer make at Edwardsville and Granite City that he made when going through the State was upon that subject?—A. Yes, sir.

Q. Were the people in your senatorial district almost universally for that waterway?—A. They were, provisionally. That is, with the

understanding that the United States Government would meet Illinois and Illinois not to have to issue $20,000,000 in bonds.

Q. Did you ever tell anybody else that you voted for William Lorimer for a money consideration or any other consideration of value?—A. No, sir.

Senator GAMBLE. Anybody else; has he ever told anybody? Did he ever tell anybody?

Q. Did you ever tell anybody you did?—A. No, sir.

Examined by Mr. AUSTRIAN:

Q. You told the committee about being in the custody of the officers, and about the third-degree methods?—A. I don't know all about the third-degree attorneys.

Q. You told them that there was third-degree methods?—A. I was told there were.

Q. Who told you so?—A. Rumors are about the criminal court building; reporters, I guess, and things of that kind.

Q. Mr. Link, when you went before the grand jury the first time, did you tell them the truth or did you lie?—A. I kept saying I didn't remember until Wayman wrapped me around his finger.

Q. Did you testify that you had not been paid $1,000 by Browne, and that you had not received $500 from Wilson, or didn't you?

Judge HANECY. I object to that; he has been all over it.

Senator BURROWS. Answer the question.

A. At that first interrogation, the question of Robert Wilson was discussed, but not the Browne thousand dollars.

Q. All right, then; the one they first interrogated you about when you went before the grand jury, as to whether or not you had met Wilson in St. Louis?—A. I denied it.

Q. Was that true or a falsehood?—A. I guess it was a falsehood; but I didn't remember of meeting him at that time or didn't know the date.

Q. You stated you did not meet him at all, didn't you?—A. I stated afterwards that I did meet him.

Q. You stated afterwards you did meet him, but that was afterwards; after you had been indicted for perjury?—A. Yes, sir.

Q. Now, Mr. Link, did Mr. Wayman or any of his assistants or any officer at any time ask you to tell anything that was not true; yes, or no, please?—A. They asked me so many questions, that is a pretty hard question.

Q. Did anyone at any time ever ask you to tell a lie?—A. Not in that specific terms.

Q. Or in any other terms?—A. Not in that kind of terms.

Q. Did anyone at any time tell you to testify to any fact other than the truth?

Judge HANECY. That is the same thing he has answered two or three times.

Senator BURROWS. Let him answer the question.

A. Well, I had so many conversations with him, it is hard for me to answer just any remark, Senator.

Q. Tell me if anyone connected with the State's attorney's office, the State's attorney, his assistants, officers, employees asked you to lie?—A. They didn't ask me to lie.

Q. Now, after you were indicted for perjury, you were given the alternative of going before the grand jury and telling the truth, were

you not, or be prosecuted for perjury?—A. I came before the grand ury to clear myself.

Q. And tell them the truth?—A. To clear myself.

Q. What do I understand by "clearing yourself?"—A. Telling hem I had received some money.

Q. Hadn't you received some money?—A. Well, yes.

Q. Now, Mr. Link, this young lawyer that you speak about coming up to the Morrison House, what was his name?—A. Well, there vas more than one.

Q. This young lawyer he referred to the night O'Keefe went to he door and said, "If you don't let this man alone I will take you efore the grand jury." Do you know who that man was?—A. His ame was Erbstein.

Q. When did you see Erbstein last?—A. I don't remember.

Q. He was the lawyer that defended Browne in the trial in which ou were a witness?—A. Yes, sir; I saw him at that trial.

Q. Did you speak to Erbstein?—A. No, sir.

Q. Had you employed him?—A. I was through answering for anyody. I will answer it that way.

Q. You will?—A. Yes, sir; I was with your third degree methods.

Q. They were the methods that made you tell the truth—they idn't make you tell a falsehood, did they?—A. They didn't ask me o lie; that is true.

Q. You didn't tell the truth, did you, until you got the third deree methods?—A. Yes; I did.

Q. I am asking you—you are the one that knows, not I?—A. Well, suppose when I denied seeing Wilson when I did meet him.

Q. You denied, first, having any money?—A. There was no quesion asked about that. I said I didn't meet him.

Q. Didn't you deny getting any money from him?—A. I said I idn't meet him, and how could I get any money if didn't meet him?

Q. Didn't you deny getting any money from him?—A. I don't emember.

Q. Didn't you deny getting any money from Browne?—A. That uestion was not asked me on the first occasion.

Q. Didn't you say before the grand jury that you didn't get any oney from Browne, and didn't you only say you got it after the ird degree methods?—A. The perjury charge was placed against e for simply saying I didn't meet Wilson.

Q. The perjury charge was correct, was it not?—A. Afterwards it roved it was; yes, sir.

Q. Didn't they give you a chance to go back before the grand ry and make a clean breast of it?—A. To save my life?

Q. Didn't they give you a chance to go back?—A. I didn't go ck; I told them all I knew.

Q. You lied?—A. I don't know about that.

Q. Now, Mr. Link, you did go back before the grand jury?—A. I rtainly did; on Saturday morning.

Q. You told the truth, and then they nollied the indictment for rjury against you; didn't they?—A. Yes, sir; after I answered ose two questions.

Q. Now, Mr. Link, you were out under bonds as a witness, were ou not, in the criminal court?—A. No, sir.

Q. At no time?—A. Not to my knowledge; I don't know who my bondsmen were if I was.

Q. Do you know William H. Luke, foreman of the grand jury?—A. I don't know him; I was not acquainted with him.

Q. Did you hear him or any other member of the grand jury order you into custody?—A. No, sir.

Q. Will you say they didn't do it?—A. It would be foolish for me to say that.

Q. I am talking about the foreman?—A. I didn't know the foreman.

Q. You saw him sitting apart from the other members of the grand jurors, and higher up than the others, didn't you?—A. Yes; when I was in the pen.

Q. How long a time did you serve in the pen?—A. In the pen at the criminal court before the grand jury?

Q. Mr. Link, did you see the grand jury?—A. I certainly did.

Q. Did you see a man whom you concluded was foreman of the grand jury?—A. The foreman didn't ask me any questions to my knowledge. Mr. Wayman asked me questions.

Q. Mr. Wayman asked you to tell the truth, didn't he? Did he or didn't he, what is the answer?—A. That was about Wilson affair my subpœna here. I didn't care about that, I was asked to tell the truth whether I had met Bob Wilson.

Q. He interrogated you about the $900 and the $1,000?—A. That was afterwards; Mr. Wayman himself asked me those questions.

Q. He asked you to tell the truth?—A. He didn't ask me anything about telling the truth, I admitted that.

Q. When he talked with you; when Mr. Wayman first asked you whether or not you had received any money from Browne, you denied it, didn't you?—A. Yes; of course I did.

Q. When he asked you whether you had received any money from Wilson, you denied it?—A. That was not before the grand jury.

Q. At any time you denied it?—A. To be sure I did.

Q. Why, to be sure you did, what was in your mind that made you deny it?—A. Because I didn't want to get any third-degree methods up here.

Q. You thought that might involve you in the third-degree methods?—A. No, sir; I didn't know anything about that?

Q. When you went before the grand jury subsequently you told them you got $1,000 from Browne?—A. I answered two questions.

Q. Will you please answer my question?—A. I answered two questions; one was that I got $1,000 from Browne, and the other was that I got $900 from Wilson.

Q. In St. Louis?—A. Yes, sir.

Q. You had denied it up to that time. Did you protest and object when the officer went with you to your home?—A. I didn't have knowledge of the law enough; no, I did not. I got tired of it mighty quick.

Q. As soon as you got tired you wrote Wayman a letter? Is that correct?—A. Yes, sir.

Q. When you wrote him that letter the officer was withdrawn?—A. He was shortly afterwards—right afterwards—after what I call reading the riot act.

Q. You testified that you were a member of the legislative assembly of the forty-fifth or the forty-sixth? The forty-sixth is the last one?—A. Yes, sir.

Senator GAMBLE. The forty-fifth was prior to that?—A. Yes, sir.

Q. Did you at any time receive any money after the adjournment of the forty-fifth legislature?—A. No, sir.

Q. Any money come to you?—A. No, sir.

Q. From any source?—A. No, sir.

Q. Subsequent to the adjournment of the legislature?—A. No, sir.

Q. These two funds which you speak of, one of $1,000 on one occasion and $900 upon another occasion, is all the money you ever received in connection with legislative matters?—A. Yes, sir.

Q. Outside of your salary?—A. Yes, sir.

Q. (By Judge HANECY.) The forty-fifth session of the general assembly was the first one you were a member of, was it not?—A. The first one I was a member of; yes, sir.

Q. There are many things that new members in the assembly do not get onto the first session. They are not let in on a good many things the first or second session that they might be let in on later, isn't that right?—A. I don't know about that.

Q. You don't know about that?—A. No, sir.

Senator FRAZIER. If it were true that you met Wilson at St. Louis and he paid you $900, and that you met Browne and he paid you $1,000, why didn't you tell that when you came up here before the grand jury and before Mr. Wayman? What were you concealing it for?—A. I didn't want to get myself, perhaps, in trouble and my friends in trouble. I didn't know where the money came from. That was the only reason.

Q. Why didn't you tell it if it were a fact that you got it, and that you met those gentlemen? What were you trying to conceal it for; what was there wrong about the transaction?—A. I didn't know anything about what there was about it. And I didn't desire to criminate myself for taking this money. I didn't know where it came from.

Q. If it were a present to you, and a fair and honest transaction for campaign purposes, or a gift or otherwise, why were you trying to conceal it?—A. I had no reason at all for concealing it.

Q. Why didn't you tell it?—A. Pardon me, I will correct that. I was afraid of getting somebody into trouble; I didn't know where this money came from.

Q. Who were you afraid of getting into trouble?—A. Friends of mine or myself.

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Q. How would you get your friends into trouble by telling the truth, if this were a perfectly honest and legitimate transaction?—A. I didn't know how it would get them into trouble, only it struck me I might get them into trouble.

Q. You didn't care to admit that some one had given you $1,000 without any explanation about it?—A. No, sir.

Q. Do you remember of having any conversation with Mr. Browne, the minority leader, with respect to voting for Mr. Lorimer for United States Senator except on the one occasion that you have detailed?—

A. No, sir. He complimented me on being a Democrat; he said we could not elect a Democrat. I told him that I had beaten him, that I had already promised Senator Lorimer my vote.

Q. The fact that you were a Democrat and had voted for a Republican?—A. On that occasion.

Q. You were particularly proud of that?—A. Yes, sir; I beat Browne to it.

Q. Did you ever have any conversation with anyone else before the 26th day of May with reference to voting for Mr. Lorimer?—A. Not any conversation that I remember of. Of course, the members, perhaps two or three days before Mr. Lorimer was elected, might have been talking, but didn't talk directly to me. Perhaps I overheard them.

Q. Had you ever told anyone else but Browne that you were going to vote for Senator Lorimer?—A. I don't remember whether I had or not; I don't remember that.

Q. Was there anything said by Mr. Browne that there would be something coming to you or that it would be to your advantage to vote for Mr. Lorimer?—A. No, sir; for I caught him off as quick as he mentioned the word "Lorimer." I had beaten him to it.

Q. You cut him off before he could say anything?—A. Well, why shouldn't I, when I had promised to vote for Senator Lorimer.

Q. When you met Browne in St. Louis, it was after the adjournment of the legislature?—A. Yes, sir.

Q. That was in response to a letter or some communication from Browne asking you to meet him there?—A. Yes, sir.

Q. You met him in the Southern Hotel, in his room?—A. Yes, sir.

Q. Was there anything said by you or Browne at the time he gave you this money as to why he was giving you this $1,000?—A. No, sir; I just supposed it was campaign money, but where it came from, I didn't ask him.

Q. You supposed it was what?—A. For campaign purposes or something of that kind.

Q. What sort of campaign purposes?—A. Down in Madison County, it costs a good deal to be elected there.

Q. Had Browne ever contributed to your campaign when you were a real candidate?—A. Not to my knowledge.

Q. Had anybody else ever contributed to your campaign when you were a candidate?—A. Not to my knowledge.

Q. You were not a candidate at that time?—A. I certainly was.

Q. You were a candidate for the next time?—A. Yes, sir.

Q. Had you ever asked Browne for any money for your campaign?—A. No, sir.

Q. You had not?—A. No, sir.

Q. You hadn't suggested to him that you needed any money for your campaign?—A. No, sir; I might have told him—I did have several talks with him—that I was going to have a terrible hard pull to get back.

Q. Did you suggest to him that you were glad to get that money and you would use it in your campaign?—A. I didn't say anything about what I would do with the money.

Q. You didn't say a word about that?—A. No, sir.

Q. As to where it came from or anything about it?—A. No, sir.

Q. You didn't ask him why he gave it to you?—A. No, sir; I didn't ask any questions.

Q. He simply gave you $1,000, and you counted it and saw it was $1,000, and put it in your pocket and went away?—A. Yes, sir.

Q. He made no explanations to you and you asked no questions?—A. No, sir.

Q. You kept it and used it for your own benefit?—A. Yes, sir.

Q. When you met Wilson in St. Louis, was that in response to a letter?—A. Some kind of a communication.

Q. Did Wilson say anything to you about Browne being sick, the reason he was there?—A. Not to my knowledge.

Q. You don't remember that?—A. No, sir.

Q. Now, when he gave you the $900, did he tell you why he was giving you the $900?—A. No, sir; and I didn't know where it came from.

Q. You didn't ask any questions?—A. No, sir.

Q. Didn't it rather strike you as an extraordinary sort of thing that a gentleman would give you $1,000 with no explanation, and the other $900 with no sort of an explanation?—A. I didn't know what source or what business contributed a nickel of that money at all, never was in any consultation to know where he got this much or that, and how would I know about it.

Q. Were you surprised when you took the $900?—A. Not very much.

Q. Why weren't you surprised?—A. I was glad to get it.

Q. Did anyone in your life ever give you $1,000 without asking you any questions or making any explanation?—A. No; I don't know as they did.

Q. Why was not this an extraordinary sort of thing, then?—A. If he saw fit to give me a present for campaign purposes, I was glad to receive it and ask no questions.

Q. You were not surprised that he did?—A. None whatever, sir.

Q. You had never had anybody give you $1,000 before in your life, or $900?—A. Not directly.

Q. We want to get at the whole transaction, Mr. Link, and we are trying to get at the truth about it?—A. Yes, sir.

Q. And we would like to know if at any time there was any reason or any cause why these men should have given you $1,000 and $900. Did they owe you anything, or have any transaction between you, or business, or anything?—A. Not to my knowledge.

Q. Did any other member of the legislature ever give you $1,000 or $900?—A. No, sir.

Q. Or any other man in your history as a politician or statesman in this State, did anybody else ever give you $1,000 or $900?—A. No, sir.

Q. Just on these two occasions. You didn't ask any questions?—A. I didn't ask any questions, and there were no answers given to me or no reasons given to me.

Q. Had you had any information directly or indirectly as to any gathering up of funds to be distributed among legislators for votes?—A. No, sir; no direct information.

Q. Had you had any indirect information?—A. It was rumored those things; I don't know whether they did or not.

Q. You had heard rumors of that sort?—A. Yes, sir; but nothing accurately or definitely.

Senator GAMBLE. By what name did they call it?—A. The newspapers called it a "jack-pot;" that is not my name.

Senator FRAZIER. Did Browne, when he handed you the $1,000, say anything about your voting for Lorimer?—A. No, sir; he did not.

Q. Just tell us exactly what he said, if he said anything?—A. We talked casually about——

Q. (Interrupting) Tell us exactly what he said.—A. I don't remember; he was going back to the next legislature, and so was I if I could, that was the conversation so far as I could remember.

Q. When you first went into his room was there anyone in there?—A. Not to my knowledge; I think he was by himself.

Q. When he handed you the package, was it in an envelope or wrapped up in some form?—A. I think it was just in separate bills.

Q. He just handed you out the money?—A. Yes, sir.

Q. Did he count it or did you count it?—A. I counted it.

Q. He handed you a package of bills and you counted it?—A. Yes, sir.

Q. When he handed you the thousand-dollar package of bills, did he say anything to you?—A. He said, "This is coming to you." Nothing else was said as to the purpose.

Q. He just said, "This is coming to you?"—A. Something of that nature; I don't remember exactly; of course he was not dumb when he handed it to me.

Q. That is what we want to find out?—A. I don't remember the exact conversation, only he said, "This is a present," or "This is coming to you."

Q. Which did he say, "This is coming to you" or "This is a present?"—A. I don't remember; it was something of that kind.

Q. You can't recall that?—A. No, sir.

Q. What did you reply?—A. I says, "All right, Lee;" that is all that was said in relation to it.

Q. You counted the $1,000?—A. Yes, sir.

Q. Did he say it was $1,000, or did he just hand you the package, and say it was coming to you?—A. I don't remember whether he used the word "thousand" or not. Not much was said in the conversation at all.

Q. How long did you remain in his room?—A. Just a few moments.

Q. Did anyone else come in while you were there?—A. Not to my knowledge.

Q. When you met Wilson, and he gave you $1,000 or $900, will you just state what he said when he handed you the $900?—A. Something similar to what Browne said, "This is coming to you," or "This is for you, Mike." "This is for you."

Q. Did you ask him what it was given to you for?—A. No, sir.

Q. Did you see anyone else in his room during that time?—A. At that specific time I don't recollect, but I mentioned the different gentlemen that I saw there.

Q. Was there anyone else in there at the time he gave you the package of money?—A. I don't remember whether there was or not; I don't think there was, though.

Q. But did you see other gentlemen come in during the——A. (Interrupting.) No conversation was had, I was with Mr. Wilson quite a little while that day.

Q. Did you see these gentlemen—members of the legislature—Mr. Luke——A. Yes, sir; during the time.

Q. Shepard and Clark?—A. Yes, sir.

Q. And Mr. White. Those were all members of the legislature?—A. Yes, sir.

Q. They were in his room during your visit?—A. During the time of my call there some time, but I can't say just exactly——

Q. They were all members of the legislature who had voted for Mr. Lorimer, were they not?—A. I think every one of them had voted for Mr. Lorimer.

Q. Did you see any other members of the legislature there that day?—A. Not to my knowledge; no, I did not; I am quite certain.

Q. You saw Shepard, Clark, Luke, and White?—A. Yes, sir.

Q. In Wilson's room?—A. Yes, sir.

Q. You don't recollect any others?—A. Not now; no, sir; I do not.

Senator Burrows. When you got the $1,000, you say you didn't know what it was for; did you count it?—A. I don't remember whether I counted it there at that time. I did afterwards.

Q. Why did you count it?—A. To know whether there was a—how much money there was in the package.

Q. That was all?—A. Certainly; I wanted to know how much the present was worth. I wanted to know just what it was worth.

Q. You had no other purpose in counting it?—A. No, sir; none whatever.

Senator Heyburn. Did you go to his room for any other purpose than to receive this money?—A. I didn't know I was to receive the money at the time I went there. I didn't know at the time what the call was for.

Q. Did you know you were going to receive any money?—A. No, sir; I did not.

Senator Paynter. At the time Browne handed you this money, was the name of Mr. Lorimer used in the conversation?—A. No, sir.

Q. Was the late senatorial election mentioned?—A. No, sir.

Q. Was your vote on that subject mentioned?—A. No, sir.

Senator Burrows. We have run past the hour of recess. We will now adjourn until a quarter after 2.

AFTERNOON SESSION.

Friday, *September 30, 1910.*

Committee met pursuant to adjournment, and the following proceedings were had:

Senator Burrows. If it will not discommode the attorneys, the committee will meet each day at 10 o'clock and continue in session until 1, and then take a recess of one hour; reconvene at 2, and adjourn for the day at 5. That will make six hours a day, and that is about all the committee can endure. Is that agreeable to the attorneys?

Judge Hanecy. It is agreeable to me.

Mr. Austrian. Yes.

Senator Burrows. Is there anything further needed of this witness, Mr. Link, to-day?

Judge HANECY. I do not desire anything further of him, Mr. Chairman.

Mr. AUSTRIAN. No.

Michael S. Link resumed the stand and testified further as follows:

Mr. LINK. Will the committee permit me to understand two questions that I answered a little better?

Senator BURROWS. Yes.

The WITNESS. With your permission, please.

Senator BURROWS. Yes. Do you wish to explain anything in your testimony?

The WITNESS. One is in relation to the carriage ride that I had in Springfield. I do not quite remember what the record shows in relation to that, before I called on Senator Lorimer.

Senator BURROWS. We will have the stenographer read it to you. I will send for the stenographer who took it.

Senator GAMBLE. If he can correct it without referring to the record, why, let him go ahead.

The WITNESS. My understanding is that the question was asked me by either of these gentlemen if I would vote for Mr. Lorimer. I do not remember what my answer was in relation to that, what is on record, but one of those gentlemen asked me a question——

Senator BURROWS. Wait a moment. I want to have read what you stated before, and then you can have any correction made you desire.

The WITNESS. All right.

Senator BURROWS. The record will show what he said, and then the witness can make any correction he desires.

(The testimony of the witness last referred to was read by the official stenographer.)

The WITNESS. Gentlemen, I desire to let it be known that they asked me what I thought of Mr. Lorimer on this carriage ride, and we did not say one word about his election. I said I regarded Mr. Lorimer as a man and a statesman very highly, and the question was asked, "Would you like to call on Mr. Lorimer?" I said that I had no objections at all if Mr. Lorimer desires to meet me. That is what I want corrected. Furthermore, I wish to state why I delivered a statement here in Chicago, if you will allow me to do it. Can I?

Senator BURROWS. Yes; go on.

The WITNESS. The question of Mr. Austrian about my delivering a statement here in Chicago—I wish to say that I delivered this statement here in Chicago, this sworn statement, to be able to contradict some of the infernal falsehoods that the Chicago Tribune has been printing about me, and casting broadcast over the State of Illinois. That is why I delivered the statement, and that question was not asked me and I desire to place it on record now.

Senator BURROWS. Is that all of the corrections?—A. Yes.

By Mr. AUSTRIAN:

Q. You have no feeling against anyone connected with this controversy, have you?—A. Not particularly. I don't harbor those thoughts. I am not a very envious individual.

Q. You did not, immediately after this publication of April 30 and after your appearing before the grand jury of Cook County—did you send the Chicago Inter-Ocean the statement or letter detail-

ing the conversation that you had with Nodlier or Magee, if I have the names correctly?—A. No, sir. I will answer that correctly and truthfully.

Q. Certainly.—A. I communicated with the Chicago Tribune that I was ready to make a sworn statement of why I voted for Mr. Lorimer, but I changed my ideas about it afterwards, and I didn't make that statement. You asked me if I wrote it and why I wrote it. I wrote it after I got through with that entanglement of the third degree here in Chicago, after I knew myself, I wrote that statement and have never changed my mind.

Q. After sending the statement to the Inter-Ocean?—A. I didn't send that statement to the Inter-Ocean.

Judge HANECY. He said to Charlie Ward.

By Mr. AUSTRIAN:

Q. You never gave that statement to the Chicago Inter-Ocean, or one of the reporters for the Inter-Ocean that was published in the Inter-Ocean, did you?—A. Well, they took——

Q. Answer that question yes or no?—A. No, sir.

Q. Didn't you make a statement to the Inter-Ocean, a representative of the Inter-Ocean, either oral or in writing, that you had promised Nodlier and Magee to vote for Mr. Lorimer?—A. No, sir.

Q. At no time?—A. Not to my knowledge.

Q. The third-degree method, that you have referred to, was the methods that were adopted to make you tell the truth, is that correct?—A. You had that subject before.

Q. Well, answer it.—A. I do not know what that kind of third-degree method means.

Q. But you have referred to it so frequently that I desire to direct your attention to the fact that before you were taken into custody, and outlined the question as you have outlined it, you had not stated the truth. Is that correct?—A. My answer is on record.

Q. Answer that question. Read the question.

(Question read.)

A. Not all through I did not.

Q. You did not?—A. No, sir.

Senator BURROWS. "Not all through I did not," he said.

Mr. AUSTRIAN. That is all.

Senator BURROWS. That is all. You can be excused, but do not leave the city, because we may want to call you again.

Mr. AUSTRIAN. We have no further occasion to use him.

Senator BURROWS. The committee might.

Mr. AUSTRIAN. May I have Mr. Meyers called?

Senator BURROWS. George W. Meyers.

George W. Meyers, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Austrian and testified as follows:

Q. Mr. Meyers, will you kindly tell the committee your full name, age, residence, and occupation?—A. George W. Meyers.

Q. You will have to speak a little louder and direct your attention over to that corner. Your age, please?—A. Forty-nine.

Q. Your place of residence?—A. Paris, Ill.

Q. And your occupation?—A. I am in the banking business.

Q. How long have you been engaged in the banking business?—A. The last time about two and one-half years.

Q. Prior to that, what business were you engaged in?—A. Well, I was in the banking business and county treasurer of the county at the same time, about six years ago.

Q. When, for the first time, were you elected to the Illinois legislature?—A. This last legislature two years ago this fall.

Q. That is the forty-sixth general assembly?—A. Yes, sir.

Q. Republican or Democrat?—A. Democrat.

Q. House or senate?—A. House.

Q. Mr. Meyers, who was the minority leader of the Democratic party of the House?—A. Lee O'Neill Browne.

Q. Were you a member of the Browne minority faction?—A. I was.

Senator BURROWS. What was the answer?—A. I was.

Mr. AUSTRIAN. "I was." Keep up your voice, please, Mr. Meyers, it is rather hard to hear.

Q. Mr. Meyers, do you recall the election on the 26th day of May, 1909, of William Lorimer to the United States Senate?—A. Yes, sir.

Q. Prior to the time of that vote on the 26th of May, 1909, when the joint assembly were in session, did you have any conversation with Lee O'Neill Browne?—A. I had.

Q. Where?—A. In the house there.

Q. While the two houses were in joint session?—A. Yes, sir.

Q. How long before the taking of the vote for United States Senator?—A. Fifteen or twenty minutes, I do not know just how long; just a short time.

Q. Will you tell the committee who sent for you, if anyone?—A. Well, there was a page came to me and said Mr. Browne wanted to see me.

Q. Where were you when he came to you and told you Mr. Browne desired to see you?—A. I was at my desk.

Q. How far removed from Mr. Browne's desk was your desk?—A. My desk was three rows back of Mr. Browne's.

Q. Pursuant, or in response to that message, did you go to Mr. Browne's desk?—A. I did.

Q. Will you tell the committee what, if any, conversation you then had with Mr. Browne?—A. I went down to his desk and sat down on a chair right beside him, and he says: "We are going to put this over to-day, and I would like you to go with us." I says: "Lee, I can't do it."

Q. What else?—A. Then he says that there are some good state jobs to give away and the ready necessary. I says: "I can't help it; I can't go with you."

Q. "The ready necessary," that is correct, is it, that I repeat?—A. Yes, sir.

Q. Mr. Meyers, did anything else take place between you and Mr. Browne at that time?—A. Well, he insisted upon me to see the speaker, that is all; that was the end of our conversation as far as that was concerned.

Q. Did he state why he wanted you to see the speaker?—A. No, sir; he only said the speaker wanted to see me, and for me to go and see the speaker.

Q. Did you see the speaker?—A. Yes, sir.

Q. What conversation did you have with the speaker?—A. He was standing behind his desk and turned around and we shook hands; I think we shook hands; and he says: "We are going to 'put this over' to-day. I would appreciate it if you would help us out," or "go with us," something to that effect.

Q. What did you reply?—A. I told him I could not.

Q. Did that terminate the conversation?—A. He said: "I should appreciate it very much if you can see your way clear to go with us." I told him I could not and went back to my desk.

Q. After Mr. Browne had stated to you what you have detailed here, did you go back to your desk after visiting the speaker?—A. Yes, sir.

Q. Was there a vote taken then?—A. There was.

Q. Had that been the first time that any Democrats, so far as you know, on that ninety-sixth ballot, or ninety-fifth ballot, I think it was, that any Democrats had voted for a Republican in the joint assembly?—A. I think it was; yes, sir.

Q. Prior to that, was there any discussion so far as you know, or any discussion with you, with reference to voting for Mr. Lorimer by the Democratic side?—A. No; nobody ever said anything to me about it, only just a kind of rumor; that is all.

Q. What was the general—you say there was a rumor?—A. Yes, sir.

Q. Will you tell the committee what the rumors were?—A. I could not tell you half of them now.

Q. Well, as much as you remember.—A. Well, it was believed there that Mr. Lorimer would be elected.

Q. And when did that start—that rumor start?—A. Well, I think the day before, maybe.

Q. On the 25th?—A. Something like that.

Q. Or 24th, which?—A. Somewhere along there; I don't just remember.

Q. Prior to the 24th or 25th of May, 1909, were there any rumors around there about Mr. Lorimer being elected?—A. Well, not that I remember of.

Q. Were any means or methods of the election discussed there around the house?

Judge HANECY. I will object to that, if the chairman and the committee please. The other day when White was on the stand they attempted to show what somebody else told him. I do not know what the purpose of this is, what this may be leading to, but this witness can not detail what he heard somebody else say on the third, fourth, fifth, or one hundredth degree removed rumors. I submit it is not competent to be admitted here to encumber this record.

Senator BURROWS. Mr. Austrian, will you confine your questions to the knowledge of this witness?

Mr. AUSTRIAN. That is all.

Cross-examination by Mr. HANECY:

Q. Mr. Meyers, the speaker that you referred to was a Republican?—A. Yes, sir.

Q. Did you vote for him for speaker?—A. I did.

Q. Did many of the Democrats vote for that Republican for speaker?—A. All but one.

Q. All of the Democrats in the house except one voted for that speaker, and it was through the Democratic vote, and a few Republicans, that he was elected, wasn't it?—A. Yes, sir.

Q. That speaker had been speaker of the house at several previous sessions, had he not?—A. I don't know; that was my first session; but I heard he was speaker twice.

Q. Twice before that?—A. Yes, sir.

Q. And all the Democrats—he had treated them fairly, and everybody fairly, and they were ready to vote for him?—A. That seemed to be the understanding.

Q. It was known that a Democrat could not be elected speaker, wasn't it?—A. Yes, sir.

Q. And it was also known at the time you had this talk, that you say you had this talk with Lee O'Neil Browne to every Democrat in the house, that a Democrat could not be elected United States Senator?—A. It was not supposed they could be; no, sir.

Q. It was known to you and every known member of the Democratic part of the house that a Democrat—or the joint session—that a Democrat could not be elected United States Senator?—A. Not unless they went to them.

Q. Not unless the Republicans went to the Democrats, as you went to them?—A. Yes, sir.

Q. There was a considerable Republican majority in the house?—A. Yes.

Q. What was it, about?—A. I don't just recollect.

Senator BURROWS. Does not the record show that?—A. I think 64 Democrats in the house, the way I recollect it.

Judge HANECY. Out of 151.—A. Yes.

Q. One hundred and fifty-three?—A. Yes; 153.

Q. And all the others were Republicans?—A. Yes, sir.

Q. There was nothing in either house except Republicans and Democrats?—A. That is all.

Q. Did you talk with other members of the house or of the joint session, before Senator Lorimer's name was mentioned as a candidate, about the Democrats voting for Speaker Shurtleff?—A. No, sir; I did not.

Q. Was it discussed there that he would be a candidate or would be voted for?—A. Oh, he had been voted for all along.

Q. Yes. And he had been voted for for United States Senator for a considerable time before the 26th of May?—A. Yes, sir.

Q. Practically all the business of the house and senate had been disposed of before the 26th of May, hadn't it?—A. A great deal of it; yes, sir.

Q. And the 26th of May was later than the legislature generally sat, wasn't it?—A. Yes, sir.

Q. And everybody in both house and senate was anxious to get away and go back home to their business or occupation, weren't they?—A. They seemed to be; yes, sir.

Q. And it was understood that neither Senator Hopkins, Mr. Foss, Mr. Mason, or Mr. Webster, the four prominent candidates whose names were submitted to the direct primaries, could be elected at that session?—A. It seemed that way at the time.

Q. Yes. Isn't it true that Governor Deneen was discussed as a candidate for United States Senator, and was not their talk that his

name would be presented as a candidate?—A. I heard such talk around the lobby.

Q. And there was talk of that kind among the Democrats, wasn't there?—A. Everybody talked about it.

Q. Yes. And Governor Deneen was a Republican?—A. Yes.

Q. You said that your seat was three seats back of Mr. Browne. Was it on the same side of the aisle or across the aisle?—A. Across the aisle.

Q. You said a page went to your seat and asked you to go to Mr. Browne's place. Was that the page who stood during all that session of the joint session at Mr. Browne's desk?—A. Now, there are several pages there. I could not tell you which one it was.

Q. I know there are several, and that is the reason I want to identify this one.

Senator BURROWS. He says he can not tell which one it was.

Judge HANECY. There was one that stood at Mr. Browne's desk all that day or all that session?—A. No; not all that session; there are different boys stood there.

Q. You testified at the two trials of People *v.* Browne in Cook County, didn't you?—A. Yes, sir.

Q. At either of those trials did you ever testify that Lee O'Neill Browne asked you to go and see the speaker?—A. No, sir.

Senator BURROWS. What was the answer?—A. No, sir.

Judge HANECY. You never mentioned that fact on either the direct or cross examination of either of those trials?—A. I aimed to tell at the last trial, but they would not let me.

Q. But you did not do it?—A. They would not let me.

Q. You did not do it, did you?—A. No; I did not do it.

Q. You did not do it on the first, either, did you?—A. No, sir.

Q. What county did you say you were from?—A. Edgar.

Q. Isn't it a fact, Mr. Meyers, that all of the people who want—in politics or others matters, where they want to meet parties in southern Illinois or south central Illinois, meet in St. Louis, isn't that the most convenient place; isn't that the most common place of meeting?—A. Not that I know of; no; it is not.

Q. Have you ever gone there to meet other political associates?—A. I have not.

Q. You did not vote for Senator Lorimer, did you?—A. No, sir.

Q. And nobody asked you to vote for Senator Lorimer except Lee O'Neil Browne and what you say the speaker asked you?—A. Yes, sir.

Q. There wasn't any doubt but what Speaker Shurtleff was for Lorimer for United States Senator all of the time?—A. I think not.

Q. Was it talked and understood there that William Lorimer did not want to be United States Senator and would not allow his name to be used prior to the 25th or 26th of May?—A. Well, I don't know about that.

Q. Well, you didn't hear that talk?—A. Well, there was all kinds of talk.

Q. Well, didn't you hear that talk?—A. I don't recollect whether I did or not.

Judge HANECY. That is all.

Mr. AUSTRIAN. What did you understand that Mr. Browne meant when he said "plenty of the ready necessary?"

Judge HANECY. That is objected to, what his understanding was.
Senator BURROWS. Was that in reference to the appointment?
Judge HANECY. No; Mr. Chairman, "the ready necessary." He is asking him to tell this honorable committee what the witness thought. It is an operation of his mind, and I submit it is not proper.
Senator BURROWS. You may answer the question.
Mr. AUSTRIAN. Read the question.
(Question read.)
The WITNESS. I supposed he meant money; I did not know what else.
Judge HANECY. You knew that nobody could give out state jobs except Governor Deneen, didn't you?—A. Yes, sir.
Q. You say that was one of the things that Lee O'Neill Browne said to you, that "there are plenty of state jobs?"—A. Yes.
Q. "And ready necessary?"
Senator FRAZIER. Did Mr. Browne make any explanation of what he meant, "We are going to put this over to-day?"—A. No, sir.
Q. What did you understand him to mean by that, his election?—A. Yes, sir.
Q. And it was in that connection that he stated that there were state jobs and plenty of the "ready necessary?"—A. Yes, sir.
Q. You declined to receive either a state job or "plenty of the ready necessary?"—A. Yes, sir.
Q. You voted for Mr. Lorimer?—A. Yes, sir.
Judge HANECY. Were any state jobs or any "ready necessary" offered to you by anybody?—A. Just as I stated it right here.
Q. Well, Senator Frazier asked you if you did not refuse to receive any of the state jobs or any of the "ready necessary" and voted for Senator Lorimer. Now, I want to know did anybody ever offer you a state job?—A. Only as Browne stated.
Q. There wasn't anything said in the form of a job, except that general statement there, as to the state job or the "ready necessary?"—A. No, sir.
Q. You knew at the time or had known that Governor Deneen was friendly to the election of Senator Lorimer?—A. No; I didn't know anything about that.
Q. You didn't know that at all? You knew nobody could give out state jobs but the governor?—A. Yes.
Judge HANECY. That is all.
Senator BURROWS. That is all. Will you need this witness further?
Mr. AUSTRIAN. No, sir.
Senator BURROWS. You can be excused, then. Is Mr. Joseph S. Clark present?
Mr. NIXON. Mr. Clark is not in the room.
Mr. AUSTRIAN. Is Mr. Garfield here?
Mr. NIXON. I gave you a list of the witnesses, Mr. Austrian.
Senator BURROWS. Who did you say was here, Mr. Shephard?
Mr. NIXON. Mr. Shephard is.
Senator BURROWS. Call Mr. Shephard.
Mr AUSTRIAN. If I am to examine Mr. Shephard I would like the same privilege of cross-examination.
HENRY A. SHEPHARD, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Austrian, and testified as follows:

Q. What is your full name?—A. Henry A. Shephard.

Q. Will you talk over that way, I will catch it. What is your business, Mr. Shephard?—A. I am in the banking business, cashier in the state bank of Jerseyville, Ill.

Q. You were a member of the Illinois legislature, were you not?—A. I was.

Q. The forty-sixth general assembly?—A. I was, sir.

Q. You still are a member of that general assembly?—A. Yes, sir.

Q. Have you ever had any discussion with anyone, prior to the election of Mr. Lorimer, with reference to his election?—A. Only once—well, I may say twice.

Senator Burrows. Can you speak a little louder?—A. Yes, sir.

Mr. Austrian. When?—A. The first time, I do not know just how long it was prior to the election of Senator Lorimer, possibly a week; it may not have been quite so long. I had come from my home, went in, and was in the St. Nicholas Hotel at Springfield, and Mr. Browne came up and shook hands with me, and he made this remark: "There is going to be something doing soon in the election of the United States Senator," and I said, "Whom is it to be?" He said, "Lorimer." He said, "Could you vote for Lorimer?" I said, "No, indeed, I could not." I said, "There is only one thing, Lee, that can induce me to consider it." I said, "If I could prevent a fellow who is a candidate for the post-office in my town from securing that post-office I may be induced to vote for Mr. Lorimer." He says, "Oh, that can not enter into it."

Senator Burrows. He said what?—A. "That can not enter into it." I said, "Well, nothing else could induce me." That is all that was said at that time.

By Mr. Austrian:

Q. You fix that time of the election of Mr. Lorimer the 26th of May, is it?—A. Yes, sir.

Q. All right.—A. It was some days——

Judge Hanecy. A week or two before that time.

Mr. Austrian. I fixed the day of the election.

A. It may have been all of a week; it was some days before; I do not know just how many days, but it was several days before the election of Mr. Lorimer. Now, do you wish the next——

Q. Yes, sir; the time.—A. All right. The next time I talked with anybody about——

Senator Burrows. Did you state all the conversation?—A. That was all the conversation; that is, he left me and went elsewhere. The day Mr. Lorimer was elected, shortly before the time for the convening session, I was sitting in the seat—I do not know whether it is proper; if it is not, stop me—Mr. George Alschuler, a member of the legislature, who sat a couple of seats away from me, had been out somewhere and came in. He said, "So there is going to be something doing to-day," or some remark similar to that, and he said, "Are you with us?" I says, "With you on what?" He said, "Are you going to vote for Lorimer?" and I said, "No; not me." He immediately left. Well, I was sitting in my seat in the end of the row. Presently Mr. Browne came to me again and he called me to the back of the assembly room near the door, and his part of

the conversation was this: He said, calling me by my first name, Harry—of course, my real name is Henry—but he says, "Harry, aren't you going to vote for Lorimer to-day?" and I said, "No; indeed I am not." "My soul!" he said, "are you going to throw us down that way? All of your friends are going to vote for Lorimer." I said, "Lee, I never threw anybody down in my life. I never promised you I would vote for Lorimer, did I?" He said, "No; you haven't, but we thought you were." I says, "Well, you have been reckoning without your host." He said, "You recall the conversation we had in the St. Nicholas Hotel wherein you spoke to me about the appointment of the postmaster of Jerseyville and you said, 'That can't enter into it,'" and he said, "Well," he says, "I supposed that you had a Republican Congressman in your district, and if you had, the Congressman would have the appointment of the postmasters; but I have learned now," he says, "your Congressman is Mr. Rainey," and he said it would be up to the Senators to make this appointment, "and Mr. Lorimer will make you the promise you want.". I said, "Well, Lee, I don't want to vote for him; I would rather not. You have got enough without me." He said, "We have not got enough without you." I said, "I believe you have enough; I don't want to vote for him. But do you suppose he would make me that promise?" and he said, "He will, and he will keep it." I said, "I will go back and see if he will." I did not go with him; I would not go with him. I went back. He said he was there in the speaker's room—Mr. Lorimer was in the speaker's room. I went behind the speaker's chair to the speaker's room. Mr. Browne was in the hallway that runs in front of those rooms and Mr. Lorimer was in the speaker's room. Mr. Browne started to introduce me to Mr. Lorimer, but Mr. Lorimer said, "I know Mr. Sheppard." Mr. Browne withdrew, and I said, "Mr. Lorimer"—do you gentlemen want all of the conversation?

Mr. AUSTRIAN. Yes.

Senator BURROWS. Proceed.

A. I said, "Mr. Lorimer, I have been asked to vote for you for United States Senator." I said, "I am a rock-ribbed Democrat and have always have been, and there is only one thing in this world that could induce me to vote for you for United States Senator, and that would be to prevent the editor in Jerseyville, who has maligned me for nine or ten years in his newspaper and who is now a candidate for the post-office, to prevent him from obtaining the post-office. He is the deputy, now," I told him. "The gentleman's name is Richards who is the postmaster," and I included them both in it. I said, "If you will promise me that neither Mr. Richards nor Mr. Becker shall be made the postmaster, I will vote for you." He said, "I will promise you to do all in my power to prevent them from being appointed." I said, "Will it be up to you in making the appointment?" He said, "I shall certainly have my share of the patronage if I am elected Senator, and there is no doubt but that I can fulfill my promise to you." I said, "I will vote for you, Mr. Lorimer, for Senator." And I took my seat, and when the roll was called I voted for Mr. Lorimer.

Q. You relied on that promise did you?—A. I did, and I am relying on it yet.

Q. And that was the consideration?—A. Yes, sir.

Q. It was the moving cause for your voting for Mr. Lorimer?—A. Yes, sir; absolutely the only cause.

Q. The only moving cause?—A. Yes, sir.

Q. Were you a member of the so-called Browne faction?—A. I was.

Q. After the joint assembly adjourned on the 26th of May, 1909, did you return to your home?—A. I did.

Q. Where was your home?—A. Jerseyville, Ill.

Q. How far from St. Louis?—A. It is about 43 or 44 miles.

Q. How far from Ottawa?—A. Well, I don't know the distance from Ottawa.

Q. Mr. Sheppard, when after the adjournment of the joint assembly did you go to St. Louis?—A. Oh, I can't tell you. I am in St. Louis nearly every week.

Q. When after the adjournment of the joint assembly on the 4th or 5th of June did you go to St. Louis?—A. I can not tell you the exact date, sir.

Q. When after the joint assembly, at St. Louis for the first time, did you meet Lee O'Neil Browne, in St. Louis?—A. I can't remember the date. I met him there some day after the adjournment of the joint session.

Q. How long would you say after?—A. For my life, I can't tell you how long.

Q. Where was it?—A. Where did I meet him?

Q. Yes.—A. At the Southern Hotel, in St. Louis.

Q. By appointment?—A. He wrote me a letter, or sent me a telegram, I can not say which.

Q. To meet him in St. Louis?—A. It read something like this, I will be at the Southern Hotel, in St. Louis," naming the exact date. "If convenient, will be glad to see you."

Q. You destroyed that letter, did you?—A. I presume I have; I don't know where it is.

Q. You have searched for it since, have you?—A. I have not, sir.

Q. When you first went into the hotel in St. Louis, the Southern Hotel, where did you meet Mr. Browne?—A. I first went to the Southern Hotel when I got into St. Louis. I went to the clerk, and asked him what was the number of Mr. Browne's room. The clerk told me that Mr. Browne had not arrived yet, but that they had received some word from him—I don't know whether they said letter or not, but I presume it was a telegram—word from him that his train was delayed, and he would not be in until 11 o'clock, or at a later time anyhow. I went about town somewhere, and I returned here about the time they indicated to me that Mr. Browne would return, and I went to the clerk and I asked him if Mr. Browne was in his room, and he said he was. He called a bell boy and took me to his room.

Q. Did you look at the register while you were standing at the desk to see whether Mr. Browne had come?—A. I did not.

Q. Wasn't that, as a matter of fact, on the 21st day of June, 1909?—A. Well, I could not say positively that it was; but, from what has occurred, I would suppose that it was that date.

Q. On the 21st day of June?—A. Yes; but I could not say for sure that it was.

Q. You went up into Mr. Browne's room, did you?—A. I did, sir.

Q. Did you go to St. Louis again in response to any message from any other member?—A. I did not, sir.

Q. Were you in St. Louis the day Mr. Wilson was there?—A. I was.

Q. Where did you meet Mr. Wilson?—A. I met Mr. Wilson at the Southern Hotel.

Q. Where?—A. I think it was in the lobby.

Q. Yes. Will you give us the date?—A. About that date—I have nothing to fix it in my mind, except facts which have transpired since.

Q. Would you say it was the 15th day of July?—A. I could not swear positively that it was, but in the light of what happened I believe it was that date.

Q. Whom did you meet there?—A. I met Mr. Link, Mr. Luke, and I think Mr. Beckemeyer; I would not be sure.

Q. Did you meet White?—A. I did.

Q. What?—A. White; yes, sir; I met Mr. White there.

Q. And Wilson?—A. Yes, sir.

Q. Joe Clark?—A. Let's see about White, whether—yes; I think I met White, and I met Mr. Clark.

Q. Now——A. Yes, sir.

Q. Mr. Shephard, they were all part of the minority faction—the Browne faction?—A. Yes.

Q. That was understood and recognized?—A. Yes.

Q. And were you surprised to see any of those gentlemen there?—A. Well——

Q. Yes or no, please.—A. I can't say whether I was or not.

Q. Did you hear Mr. Browne—did you get any letter from Mr Browne, after your meeting with Wilson in St. Louis, giving any reason why he was not there?—A. No.

Q. Did Wilson tell you why Browne did not come?—A. No, sir.

Q. Did any one tell you why Browne had not come?—A. No.

Q. Did you ascertain that Browne was suffering with ptomain poisoning on or about that time?—A. No, sir.

Q. You have never heard of it since?—A. Why, I heard of it in the testimony, sure.

Q. Did you ask Wilson why Browne had not come?—A. No, sir I was not expected—I was not expecting to see Mr. Browne there, o Mr. Wilson either.

Q. How did you happen to go to the Southern Hotel on this 15t day of July?—A. I will be glad to tell the gentlemen.

Q. That is what I want.—A. I will tell you the very reason tha took me to St. Louis that day. I, unfortunately, owned a Whit steamer automobile, and the day before I noticed that the steam wa escaping badly in it, and when I drove into my garage that night, said to the young man who took care of my car, I said, "We wi have to take up on this packing, it makes a noise like a steamboat. He said, "I have taken up all I can on it, Mr. Shephard," and I sai "Put in more packing," he said, "I haven't any more."

Senator Burrows. Is it necessary for the witness to go into th conversation between himself and the chauffeur?

Mr. Austrian. Well, you went to get the White steamer fixed?—A No; I went down to get some packing.

Q. Oh.—A. I said, "I have got to go to St. Louis some time, an I will go to-morrow and get some packing for that machine."

Q. Did you get the packing?—A. I certainly did, sir; I certainly did, sir; and it was very necessary for that machine to have packing. [Laughter.]

Q. Mr. Shephard, did you have an account in any bank in St. Louis on the 15th day of July, 1909?—A. The State Bank of Jerseyville had an account there.

Q. No; I am asking you if you had one?—A. I don't know whether I did that day or not—at that time or not. I had had an account in the St. Louis—in the National Bank of Commerce—the Mississippi Valley Trust Company.

Q. Did you have an account on that day or shortly thereafter?—A. I can not say now for surely; I would not say positively whether I did or not.

Q. You are a cashier in a bank?—A. Yes, sir; I know I had an account there at times, and the money would be drawn out, and there would be no balance left there, and then after a while I would have another balance.

Q. And when there was no balance there you closed the account?—A. Well——

Q. Sir?—A. The account would close itself, I guess.

Q. Now, Mr. Shephard, did you have a safety deposit vault anywhere?—A. Yes, sir.

Q. Where?—A. That is, my brother and I have one at the Mercantile Trust Company, in St. Louis.

Q. Mr. Shephard, were you at the safety box or the safety vault in St. Louis on either of the occasions you have detailed when you met Browne, and when you met Wilson?—A. I was at the safety deposit vaults the day I met Mr. Wilson, I think before I met Mr. Wilson.

Q. Will you tell us the time you met Mr. Wilson?—A. It was along about 11 o'clock, I think.

Q. In the morning?—A. Yes.

Q. You met him at the same time—were you there at the same time Beckemeyer, White, Link, and the other gentlemen you have mentioned were present whom you have mentioned?—A. Yes, sir.

Q. You say that was on or about 11 o'clock?—A. I think it was about 11 o'clock.

Q. What time do you tell this committee you were at the safety vault?—A. It was that day, I think before dinner. I would not be positive, but before I met Mr. Wilson.

Q. You do not want to be understood that this is a positive fixing of the time?—A. No, sir; I would not be so understood. I went up there before I met Mr. Wilson. If you will let me explain to the Senators how I knew that Wilson was in town that day, I would like to make the explanation.

Q. I have no objection. Make it brief.—A. I will tell you. When I arrived in the city I went to see a haberdashery, F. A. Steer Fancy Goods Company. From there I went to the Planters' Hotel, down to the closet. As I came up out of there, out the front of the hotel that fronts out on Fourth street, I started north on Fourth street and I met Representative Luke, and he came up and shook hands with me and asked me where I was going, and I told him I was going up on Locust street, to this safety deposit in the Mercantile Trust Com-

pany, and to a tailor, and he said, "Do you know Bob Wilson is in town?" I said, "No; I didn't." He said, "Well, he is in town, at the Southern Hotel, and I am on my way down to see him. Come on down with me." I looked at my watch, and I said, "I can't go now, I have an appointment." I said, "Will he be in the city—how long will he be in the city?" He said, "Noon, I think." I said, "If I get through I will go down and see him, and if I don't see him you say 'hello' to him for me." We separated then. After that I went up to my tailor's on Locust street, Mr. Holloway, and I either tried on a suit or I ordered a suit. I have forgotten which it was. From there I went to the Southern Hotel. If I did not go into the safety deposit vault then, why I did afterwards to clip some coupons off of some bonds we had in there.

Q. Mr. Shephard, what time did you leave St. Louis that night?—A. I left St. Louis about 5—I think the train left about 5.26.

Q. What time did Wilson leave?—A. I don't know. I did not see Wilson at all after I left him. I left him about——

Q. About 12 o'clock?—A. A little before noon.

Q. Mr. Shephard, did Wilson ask you to change a $500 bill that day?—A. He did not.

Q. Did he exhibit a $500 bill to you that day?—A. No, sir; he did not, sir.

Q. Nor any other sum of money?—A. No, sir.

Q. In the room that Wilson occupied that day in the Southern Hotel when you got in there, were all of these gentlemen whose names you have mentioned in the room or some of them?—A. My recollection is, I think I met some of those gentlemen in the lobby of the Southern Hotel and we went up to that room, at the invitation of Mr. Wilson.

Q. Did you see Mr. Wilson give any of them any money?—A. I did not, sir.

Q. Nor any packages?—A. I did not, sir.

Q. Were you there some considerable length of time?—A. I was there possibly a half hour; it might be a little more or a little less.

Q. Did you see any of them hold private conversations with Mr. Wilson?—A. Not that I can recall, sir.

Q. Did you see Mr. Wilson take any of them into the bathroom?—A No, sir; I don't remember that I did.

Q. Did he take you into the bathroom?—A. He called me into the bathroom; yes, sir.

Cross-examination by Judge HANECY:

Q. You were subpœnaed before the grand jury here, weren't you?—A. I was.

Q. In Cook County?—A. I was.

Q. By Mr. Wayman?—A. Yes, sir.

Q. Did you go there?—A. I did.

Q. Did you testify?—A. I did.

Q. Were you put in charge of an officer?—A. I was.

Q. When?—A. I was called—I went before the grand jury on Wednesday; I think it was after dinner. I went to my hotel Wednesday night. They served summons on me to come back Thursday Thursday I sat around in the anteroom of the grand-jury room all day, except I was taken out by Mr. Arnold a few times and was administered some degrees.

Q. Who is Mr. Arnold?—A. He is the assistant state's attorney.

Q. What did Mr. Arnold do or say to you? What do you mean?—A. If you want my statement, I will tell you.

Q. That is what I want.—A. All right. About 11 o'clock Thursday morning he called me out of the waiting room of the grand jury room, back into another room right on the same floor, and he said, "Shephard, Bob Wilson has been in before the grand jury, and he gave some testimony there that you are going to be indicted on for perjury." Pointing his finger at me, he said, "You have lied to 23 representative men of Chicago." I began to expostulate, but I saw it was useless.

Q. To whom did he refer?—A. Pointing at me.

Q. And the 23 men—who were they?—A. The grand jury.

Q. Of Cook County?—A. Yes.

Q. Go on.—A. He said, "You have perjured your soul." He says, "Think what it means to you. You stand high in your community. You are an officer of a bank. The gates of the penitentiary are opening to you. Now, the grand jury has voted an indictment against you for perjury, and it is now drawn, but if you will go back into that grand-jury room and tell the truth and confess we will nolle pros the perjury indictment and we will give you immunity on your confession."

Do you want to hear the rest of it?

Judge HANECY. Yes.

Senator BURROWS. Go on.

A. I said, "Mr. Arnold, that grand jury can indict me for perjury, but you can't convict me of perjury. I have not perjured myself, and I will not go there and perjure my soul by the confession to a crime of which I am as innocent as you are just to escape that perjury indictment. Go on with your perjury indictment."

Q. Go on.—A. After that I was placed in the custody of an officer.

Judge HANECY. Whom? By whom?—A. Now, I don't know who placed me in his custody at noon. I had to go to lunch with him.

Q. Where were you when you were placed in his custody?—A. I was up in the waiting room of the grand-jury room and the officer came to me; I just can't recall his name now.

Q. Was it Oakley?—A. Okey.

Q. Okey?—A. Yes.

Q. One of the state attorney's police officers?—A. I believe so. I went to lunch with him.

Q. What did he say to you up in the waiting room?—A. I can't recall. I don't know how I was placed in his custody, or who, Judge.

Q. Did he say he had you in custody?—A. I don't recall that he did, but he went with me to dinner. He said—I would not swear positively what he said—but I have forgotten now what happened, but he went to dinner with me. By whom he was directed to do so or what was said I have forgotten.

Q. When you say "dinner," do you mean the middle of the day?—A. Yes; luncheon.

Q. Go on.

Senator BURROWS. Did he go upon your invitation?—A. No, sir; he did not by a good deal. We went to a restaurant around the corner somewhere from the grand-jury room. We had dinner or lunch. But in the country we call it dinner, and that is the reason I get the

two confounded. We went back to the waiting room of the grand jury, just outside of the grand-jury room. I was kept waiting around there the entire afternoon, until 6 o'clock that night, when I was called into the grand-jury room. The foreman of the grand jury says: "Mr. Shephard, we have decided to place you in the custody of an officer." I said: "What for?" He said: "Well, we think it best." My recollection of it is that I said to him: "What have I done?" "Well, we think it best to place you with an officer. You will go with the officer." I said: "Have you a right to do this?" He said: "We think we have. The officer will treat you kindly. Mr. Officer, you will treat Mr. Shephard kindly." "I have no doubt," I said, "of his kind treatment; but I question your right to do this." "Well, Mr. Officer, you will take charge of Mr. Shephard," and Mr. Officer did take charge of Mr. Shephard.

Judge HANECY. Where were you at that time?—A. I was in the grand-jury room.

Q. Were there grand jurors present?—A. The other grand jurors were there.

Q. Was the state's attorney or one of his assistants there?—A. I could not say as to that, I did not notice that.

Q. What did the officer do?—A. He took charge of me. We went out of the grand-jury room and took the elevator to the floor where the state attorney's office is located, and we waited around there about an hour.

Q. Did you go into the state attorney's office?—A. No, sir. I was with Detective O'Keefe this time, and presently Mr. Arnold came back.

Q. The assistant state's attorney?—A. Yes. He said, "Come in here, Shephard," and he took me through offices in which sat White and some others, through to an office and into another one, and presently he went out, and presently Beckemeyer came in, and he said——

Q. Who said?—A. Mr. Beckemeyer. "Were you in St. Louis"——

Q. Who said that?—A. Arnold. (Continuing.) "June 15?" and he said, "I was." "Did you see Bob Wilson there?" "I did." "Did he give you any money?" "He did." "How much?" "Nine hundred dollars." Then Arnold looked at me, and I said—we call Beckemeyer "Becke" for short—and I said, "Becke, did you see me get any money there?" and he said, "I did not, Shep." I said, "What do you think about that, Arnold?" and he said, "Beckemeyer, you may come out." He went out, and then I went out back to my officer. Then I left there and went to the Great Northern Hotel, where I had a room. I had to change my room and get a suite of rooms, two rooms with a bath connecting, and that officer slept in one room and I in another.

Q. Did the officer go with you when you went from the state attorney's office on that occasion, after Beckemeyer left and you left?—A. After I came out of the office where he had Beckemeyer before me, Mr. O'Keefe took charge of me again.

Q. Officer O'Keefe?—A. Officer O'Keefe; yes, sir. We stood around there for a while, I think it was 7 o'clock before we left the criminal court building. We went down to the Great Northern Hotel. Now, there is another degree in the afternoon that I did overlook, and inasmuch as you have asked for it, I will give it. Arnold called me in at another time that Thursday afternoon and he said,

"Now, Shephard, Mr. Wayman has consented to give you one more chance." I said, "That is kind of him." He said, "Beckemeyer is in there now coughing up his guts, and if you want to go in and do likewise, this is your last chance to do so," and I said, "I have got no guts to cough up. I don't care to go into the grand-jury room and perjure myself, and I will not do it." He said, "All right, this is your last chance." Well, that was all of that. Then that night we got down to the Great Northern Hotel.

Q. When you say we, who do you mean?—A. Detective O'Keefe and myself.

Q. Go on.—A. He asked me if he should register; he said, "Do you want me to register under my own name; my right name?" "Well," I said, "I would rather you would not, if you would just as lief." He said, "What name shall I use?" I gave him the first name that came to my mind, "Ellis Smith." He registered as "Ellis Smith," and he occupied one of those two rooms that I got and I occupied the other. While we were eating supper that night at the grill room of the Great Northern Hotel he said to me, "Mr. Shephard, I am in rather a dilemma myself. I left a baby very sick with the measles this morning."

Mr. AUSTRIAN. Oh, that doesn't cut any figure.—A. Well, I want to tell you.

Mr. AUSTRIAN. That doesn't matter.

Judge HANECY. It shows the talk this witness had with him.

Mr. AUSTRIAN. Well, I have no objection; go on and tell it.

Senator BURROWS. Go on with the conversation.

Mr. AUSTRIAN. Whether the baby had measles or not doesn't cut any figure.

A. It comes in with what follows. He said: "I would give the world to see that baby. I can see it in two ways. One way would be to leave you in the hotel alone, which I would be willing to do—willing to trust you—but you would have to stay in your room, because if you went into the lobby of the hotel somebody might see you, and it would get me in bad. The other way would be for you to go to my home with me." I said: "Where do you live?" and he said "in Englewood." I said: "How do you get out there, on the elevated," and he said: "Yes; by making a change or two;" or possibly he said three. I said: "I want to see the baby that is sick with the measles." He said: "Would you go out there with me, tired as you are?" I said: "I would rather do it than stick around the hotel here, especially if I had to stay in my room. I would be glad to go." I went to his home.

Mr. AUSTRIAN. Did you see the baby?—A. I did not see the baby sick with the measles.

Senator FRAZIER. Then you can't testify as to whether the baby had measles or not?

A. No, sir; I can not. He changed his——

Judge HANECY. There were several other eruptions——

Senator PAYNTER. Did you see the baby?—A. I did not, sir. He changed his clothes. We were there about an hour, and I think we took a Rock Island suburban train back to Chicago, and we got back about 11 o'clock and then went to bed. That is, we went to bed about 1 or half past 1.

Judge HANECY. Did Officer O'Keefe tell you he was going to take you in custody when you were leaving the state's attorney's office in the criminal court building, and that he was going to keep you in custody that night? Is that the reason why you got two rooms at the Great Northern?—A. The foreman of the grand jury room said: "Mr. Officer, you will take charge of Mr. Shephard."

Q. Go on and tell what took place, the rest of it, while you were in the custody of the officer.—A. Well, we went to bed that night. The next morning, after breakfasting, we went back to the criminal court building. That was Friday morning. Along about 11 o'clock Assistant State's Attorney Arnold called me into the room adjoining—the waiting room of the grand jury room—and in substance he said this: "Shephard, I am sorry I had to treat you in the manner I did last night, but," he said, "we have to do this to get confessions," I think he said, "from criminals." Now, I am not attempting to recite word for word what he said, but it is the substance of it. I said: "I have felt like I was being treated like a criminal, but I am not;" and he said, "I am sorry that I had to do this work, but I do this as I do all of my work—as well as I know how;" but he said, "I went to the front for you last night, Shephard," and I said "How?" He said: "Before the grand jury, and told them that I had submitted you to all of the tests I knew of, and that you were weak in body and I thought you were going to faint several times, and that I had come to the conclusion, and my conclusion I wanted to give to the jury was that Shephard got no money." "Well," I said, "Arnold, if you said that, in spite of what you have done before, I do thank you; but why am I in the custody of an officer? Why was I last night?" He said: "You are not now; you can go to dinner," I think he said, but he may have said "lunch," "without an officer, but would you mind going with Link, but not talking to him about this?" I said: "Will Link be with an officer?" He said: "Yes; but would you mind going with him?" I said: "I don't want to be with an officer." He said: "Wayman wants to see you a few minutes after luncheon or after dinner," then I could go home. I said: "If you want to do something for me, take me down to one of your offices and give me an easy chair and let me rest there. I don't want any lunch" or "dinner," whichever I called it. All right; he took me down there.

He went out and came back in fifteen minutes, and he said: "Shephard, you ought to get something to eat, a cup of coffee or something, you need it." I said: "I believe I will; are you going to send an officer with me?" He said: "No; you come back here any time between 2 and 3 o'clock, and come to this room. You do not need to come to the grand jury room." I went back there after I had gotten my luncheon, and he kept me sitting there until 6 o'clock that night, right in that room. About 6 o'clock he came and asked me if I knew a man in Chicago named McMahon; he said there was a man out here by that name who wants to see me. I said: "I don't care to see him." I said: "Is he some reporter?" He said: "No; he is a lawyer." I said: "I don't know him and I won't see him." He said: "You have got to see him. I have got to make good for him." I said: "Is he a Chicago lawyer?" and he said "Yes." And I asked him, "Is he a reputable lawyer?" and he said "Yes." And I said: "Where is he?" and he said "That is he," pointing out through another room, where I could see a large man sitting in the hallway. I

said: "Is he that big fellow out there?" and he said "Yes." I said: "Well, he looks pretty good to me," and I grabbed my overcoat and started out, and as I got nearly there McMahon held out his hand, and as I remember it he turned around, and he says, "Good day, Arnold; come with me, Shephard, and I will show them if you can be treated in the manner you have been treated." I said: "This listens good to me." I said: "Who are you?" and he said, "I am your friend. I have been sent here to get you out of this." So I went away with Lawyer McMahon.

Q. Were you taken before the grand jury at any other time?

Senator BURROWS. I would like to have him go on with his story.

Judge HANECY. If there is anything else, I want to know it.

Senator BURROWS. Let him finish.

A. We went from the grand jury room, as I remember it, down to the office of Murray, Brown & Murray, lawyers, and from there we went to the Great Northern Hotel, and I paid my bill and took my baggage and he went to the Chicago and Alton depot with me, and I took the train home. Just before I left Arnold said to me: "If we should need you, Mr. Shephard, next week, will you come back without a subpœna?" And I said, "I will."

I went home that Friday night, and Monday night Wayman wired me to come back again, and he sent me a message: "It is important that you return to Chicago at once." Well, I had been subpœnaed to go before the grand jury in Sangamon County in the meantime.

Q. That is in Springfield?—A. Springfield; yes. I wired Mr. Wayman the next morning that—that would be Tuesday morning—wired him that I was called to Springfield and I would be in Chicago Wednesday morning. I took a train leaving my town at 10 o'clock and went to Springfield, and went to State's Attorney Burke and I told him that Mr. Wayman had wired me for to come back, and he said: "You go up and get through with Wayman and I will let you know when I can use you. We have an arrangement by which he is to get through with the witnesses before I use them. All right, you can go to Chicago." Well, I took the train out of Springfield that night and went back to Chicago. The next morning I went to the criminal court building, and I was not used that day. The next day I went in before the grand jury again for a few minutes, and then they excused me and I went home that night.

Judge HANECY. The grand jury?—A. Yes, sir.

Q. Did anybody there examine you or question you?—A. Before the grand jury?

Q. Yes.—A. Yes, sir; Mr. Wayman.

Q. What about; was it these same matters?—A. Yes; some of the same reiterations, and he asked me questions. Is it proper for me to tell what he asked me before the grand jury?

Q. Yes?—A. That I never understood until I saw the paper this morning in regard to that $500 bill. He asked me if Bob Wilson gave me a $500 bill there, and I said, "No."

Judge HANECY. Where did you see that in the paper this morning?—A. I saw it in the Tribune that Beckemeyer or somebody had testified that Bob Wilson had said he had a $500 bill, and that somebody had told him to give it to Shephard, and, as I say, I never understood what he meant by asking me about that $500 bill. I never understood it until I saw that was the testimony of Beckemeyer, and I

made up my mind that he must have told them something similar then.

Q. At the time he put that question or anything in relation to it, between the time that Wayman asked you anything about that $500 bill before the grand jury last May and the time that you saw it in the Tribune this morning, did you know anything about it?—A. No, sir; I did not.

Q. You did not disclose it to the Tribune this morning?—A. No, sir.

Q. As far as you know, nobody did?—A. No.

Mr. AUSTRIAN. Beckemeyer testified to it yesterday. You know it as well as anybody else, Judge.

Senator BURROWS. Proceed with your statement.—A. After the grand jury examined me I took the train and went home, and the next grand jury I appeared before was the Sangamon grand jury at Springfield.

There is something I want to tell about what happened before the Chicago grand jury, something I neglected, if you will permit me to state it.

Q. Go ahead and state it.—A. They did not give me a chair. They stood me in a stall. I stood up when I gave my testimony. I don't know what the reason was for it. The second week when I went back there, as I went into the grand jury room the witness that was there before me must have had a chair, because as I got into the room a fellow grabbed the chair and was just taking the chair out of the stall and was just going away with it. Of course, I had to stand up. It was the witness stand——

Senator BURROWS. What do you mean by a stall?—A. The witness stand. It was a recess back in a desk. I call it a stall. You stand, you see——

Senator BURROWS. You stood in that?—A. I stood in that.

Judge HANECY. There was no place to sit down?—A. No; there was no place to sit down.

Q. What was the condition of your health before that?—A. My health has not been very good. I have been an invalid for eight or nine years; not exactly an invalid, but my health has not been the best.

Q. Have you had a very serious illness?—A. Yes; nine years ago.

Q. What, pneumonia?—A. I had malarial fever, typhoid fever, followed by pneumonia.

Q. You have never recovered from those attacks?—A. I have not recovered yet.

Q. What effect did that treatment by Assistant State's Attorney Arnold and the other treatment before that grand jury have upon your physical condition, your physical and mental condition there?—A. Well, I think it was a very severe strain on me, on my nervous system. It naturally would be.

Q. Were you ever before the grand jury here after that?—A. After those two occasions?

Q. Yes.—A. No, sir.

Q. You have told this committee now all that you know about it?—A. Yes, sir.

Q. You were not indicted, were you?—A. I was not, sir.

Q. There was no complaint or charge against you that you knew of at any time while you were in the custody of an officer?—A. No, sir.

Q. Or held in the state's attorney's office, or in your room at the Great Northern?—A. No, sir.

Q. Were you called as a witness in any of the Browne cases by anybody?—A. Yes, sir. Wayman subpœnaed me as a witness in Browne's first trial.

Q. Did you testify?—A. I did not testify. I came to Chicago, but——

Mr. Austrian. If he did not testify, let that answer it.

Judge Hanecy. You did not testify in the case, did you?—A. No, sir.

Q. You came here in answer to his subpœna?—A. I did.

Q. How long were you kept here?—A. Just a day.

Q. Was that the first or the second trial?—A. That was the first trial.

Q. Were you called in the second?—A. I was not.

Q. So that, in fact, you did not testify in either trial?—A. Neither trial.

Q. Did you, in fact, get any money?—A. I did not, sir.

Q. For voting for Lorimer or anyone else?—A. No, sir. I was never offered any money, and never told that there was any money for me, and never expected that there was any money. If there was any Shephard money for anybody else, I never got it.

Q. You say "Shephard money?"—A. If there was any money due Shephard out of that legislature, somebody else got it, because I didn't. That is all. I never had been promised any money and I did not expect any money, and I never heard any money spoken of as going to be paid in the Lorimer election or for any other reason.

Judge Hanecy. That is all.

Redirect examination by Mr. Austrian:

Q. You went up to Browne's room on the day you fixed as the 1st of June, in the Southern Hotel, and you knocked at the door?—A. Well, I presume I did.

Q. Were you admitted, after some or any delay?—A. Now, I don't quite remember the circumstances of entering the room.

Q. Did any other member of the legislature just go in as you went out, or go out as you went?—A. Not that I recall.

Q. Will you say that Beckemeyer did not go in just as you came out?—A. I will not say that he did or did not. I think I saw Beckemeyer, as I remember, in the room. I think he was in the room while I was there.

Q. That was on June 21?—A. Yes.

Q. When Browne was there?—A. When Browne was there.

Q. Did you see Browne hand Beckemeyer a package?—A. I did not, sir.

Q. Did you stay there while Mr. Beckemeyer was there, or did Beckemeyer leave before you did?—A. Now, I could not say as to that.

Q. Did Bob Wilson take you into the bathroom on the 21st of July?—A. Yes.

Q. Why did Bob Wilson take you into the bathroom on the 21st of July?—A. I don't know; he took me in there to ask me a question.

I will tell you the question if you want to know what it is. He asked me who the lady was he saw me with in the St. Nicholas Hotel in Springfield.

Judge HANECY. Wilson is not a married man, nor are you?—A. I don't know whether he is or not; I am not.

Mr. AUSTRIAN. Neither of you being married, that question was so confidential that you had to be taken by him into the bathroom so that he could ask you privately?—A. I don't know what prompted him to do it; I can't say as to that.

Q. Did he close the door?—A. I can't say as to that.

Q. Will you say he did not close the door?—A. I am not sure whether he did or not. I can't remember.

Q. Were you the least bit surprised that he should take you out of the main room and into the bathroom and close the door or not close the door, whichever it was, just to ask you who the lady was that you, an unmarried man, had with you in Springfield?—A. Well——

Q. Sir?—A. I was not surprised at all. I did not think of it. When I told him who it was, he said, "I thought it was somebody else."

Q. Were you with this young lady in Springfield when Wilson saw you?

Judge HANECY. I object.

Mr. AUSTRIAN. On the street?

Judge HANECY. I object on account of the name of the young lady.

Mr. AUSTRIAN. I am not asking to have the young lady——

Judge HANECY. I know, and I object.

Mr. AUSTRIAN. I am entitled to know where they were when Wilson saw them.

The WITNESS. I will tell him.

Senator BURROWS. Tell him, then.

Mr. AUSTRIAN. Tell me, then.—A. At the St. Nicholas Hotel, at the dinner table.

Q. There was no secret about it?—A. No, sir.

Q. It was a relative of yours?—A. Yes, sir; she is my sister-in-law.

Q. And you were all in public?—A. Yes, sir.

Q. At a public hotel dining with her?—A. Yes, sir.

Q. And a great many other people saw you besides Wilson?—A. Yes, sir; I presume they did.

Q. And just to inquire as to who the name of the young lady was—you having been seen with her in public, in the St. Nicholas Hotel—he took you into the bathroom?—A. Yes.

Q. And that is all he asked?—A. That is the only question he asked me there, and the only conversation we had there; yes, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator FRAZIER. What did Mr. Browne want of you when he wrote you to meet him in St. Louis?—A. I don't know, sir. He just simply said in the letter or telegram, whatever it was: "Will be in St. Louis at Southern Hotel," at a certain date, "and if convenient will be glad to see you."

Q. When you saw him did he make any explanation of what he anted or why he had written?—A. No, sir; I suppose it was just visit. Mr. Browne and I were very good friends during the session, nd he knew I went to St. Louis very frequently, as I do—I go down iere nearly every week, maybe twice a week.

Q. He made no explanation to you as to why he wanted to see ou?—A. No.

Q. You did not talk politics?—A. We may have talked some polics there in the room. I can't recall what the conversation was iere.

Mr. AUSTRIAN. How long did you remain with Browne that day—hat time did Browne get in—what train did you get in on?—A. I ot in on a train that left my town that morning; I guess about 9.30 : 10 o'clock I reached St. Louis.

Q. What road was that?—A. Chicago and Alton Railroad Company.

Q. The Chicago and Alton goes through your town, too?—A. es, sir.

Q. It goes through Ottawa, doesn't it, also?—A. No, sir.

Q. Now, Mr. Sheppard, you got to St. Louis at 9.30, about?—A. ine thirty or 10 o'clock; I would not be sure about that.

Q. You met Mr. Browne?—A. Yes, sir.

Q. What time?—A. I can not recall just the time. Possibly 10.30; out that time; it may have been 11 o'clock.

Q. Where did you go to lunch with Browne?—A. If I took lunch ith him that day——

Q. Did you take lunch with him that day?—A. I think I did; at ie Southern Hotel.

Q. What time did you go back?—A. Home?

Q. Yes.—A. Along about 5 in the afternoon I left.

Q. What time did Browne go back?—A. I don't know. I left mediately after lunch if I did take lunch with him.

Q. If you did take lunch with him you left immediately after nch, did you?—A. Yes.

Q. Which bank—your bank was open on that day, wasn't it, the st day of June?—A. Yes, sir.

Q. It was?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. Lee O'Neil Browne always had a contest to retain is leadership of the Democratic party of the house, didn't he?—A. I on't know as to his always having one. He had a contest the year was a member of the house.

Q. It was the last session?—A. Yes; he had a contest then.

Q. After he had won the contest of 39 to 25—the other candidate as Mr. Tibbits, wasn't it?—A. Yes; Mr. Tibbits.

Q. Tibbits was from southern Illinois—that is the part of the tate he was from?—A. Yes, sir.

Q. Mr. Tibbits still kept around him the adherents, the 25 who reused to follow the leadership of Mr. Browne, didn't he?—A. Yes.

Q. So that Mr. Browne frequently went to different parts of the tate, didn't he, to keep in touch, and kept in touch with those who ere the adherents of his in the Democratic party, didn't he?—A. don't know as to that.

Q. You don't know?—A. No.

Q. Isn't it the common practice of all of the people of the soutl ern and central part of Illinois to meet at St. Louis as the most co venient place of meeting?—A. Yes.

Q. Of going to meet one and another?—A. Yes; I have met mar gentlemen there.

Mr. AUSTRIAN. You were with Browne continuously for five six months in the legislature?—A. I was.

Q. It began January 4, and terminated on the 5th day of June, tl 4th or 5th?—A. Well, I saw him there every day in the session.

Q. And the day you met him in St. Louis was less than two wee after the last time you had met him at Springfield?—A. It may l possible.

Senator GAMBLE. The visit at St. Louis where you met Browne w in response to this letter or invitation from Browne?—A. Yes.

Q. Now, I understand you that a month later you were there at tl time Wilson was there?—A. Yes.

Q. And I understand you to state that no communication was r ceived from Mr. Wilson or Mr. Browne?—A. No, sir.

Q. Or anybody else inviting you there?—A. No, sir.

Q. And, as you stated, you met him there by accident?—A. I accident; yes, sir.

Q. That is all.—A. I don't remember having received any——

Senator FRAZIER. Did you give the name of the candidate for pos master in your town——A. I did not.

Q. (Continuing.) That Mr. Lorimer would have appointed if l could?—A. No.

Q. What was his name?—A. I asked that neither of two men l appointed, Mr. W. P. Richards or J. W. Becker. J. W. Becker editor of the Jerseyville Republican, the editor who has, as I sai maligned my name and my family and the bank with which I a connected for years.

Q. Mr. Lorimer promised you that he would do all he could prevent either of those gentlemen from being appointed if you wou vote for him for Senator?—A. Yes, sir.

Q. Has either of them been appointed?—A. No, sir.

Q. Anyone else been appointed?—A. No, sir; they are both office yet.

Q. They both stayed in the office?—A. Yes.

Judge HANECY. There has been no change in the office at all b tween that time and the present time?

Senator BURROWS. He has so stated.

A. No, sir; no change.

Senator FRAZIER. I so understood him.

Senator BURROWS. When you went to the hotel with the office why did you ask him to register under an assumed name?—A. I asked me if I wanted him to register under his own name. He sai "Of course, everybody will know I am with you," and I said to hin "I would rather you would register under an assumed name." did not like the disgrace of being under the custody of an officer.

Judge HANECY. You did not want the register to show that an of cer was registered there with you?—A. No, sir.

Judge HANECY. That is all.

Senator BURROWS. Is there anything further wanted of this wi ness?

Judge HANECY. That is all.
Senator BURROWS. Do you need him any further?
Mr. AUSTRIAN. No, sir.
Senator BURROWS. You may be discharged, then, Mr. Sheppard.
The WITNESS. I thank you, gentlemen. I thank you for the opportunity of telling my story.
Mr. AUSTRIAN. I do want to ask you a question, if you will pardon me.—A. Yes.
Q. Sit down again just a minute.—A. All right.
Q. Did you make a written statement of all of this subject-matter you have testified to and swear to it?—A. Written statement to whom?
Q. Anyone.—A. Well——
Q. Yes or no; you know whether you did or not?—A. What do you mean?
Q. At any time.—A. I may have made a written statement of some of this some time ago; yes, sir.
Q. Where?—A. Up there—at the time when I came back here to Chicago the second time before the grand jury.
Q. The time Mr. McMahon or Mr. Murray represented you?—A. Yes.
Q. Murray and McMahon were acting for Browne, weren't they, in Springfield, at the time that they——A. I don't know.
Judge HANECY. I object.

By Mr. AUSTRIAN:

Q. Didn't you know that they were there representing Mr. Browne's interest in Springfield and undertaking to represent you also before the Sangamon County grand jury?—A. No, sir; I did not.
Q. They never did represent you, did they?—A. Before the Sangamon County grand jury?
Q. In Springfield or here?—A. They did represent me. I paid them a retainer fee.
Q. At whose suggestion?—A. At whose suggestion did they represent me?
Q. Yes.—A. I asked them to represent me.
Q. What is that?—A. They did represent me. I paid them a retainer fee.
Q. You did not know McMahon from a side of sole leather?—A. I knew Murray.
Q. Did you?—A. I knew J. T. Murray.
Q. When Murray was in the legislature?—A. I voted for John T. Murray for United States Senator on one ballot.
Q. John T. Murray was in the legislature with you?—A. John T.—P. F. Murray was.
Q. Pat Murray, his brother?—A. Yes.
Q. Mr. Murray was acting in Springfield for the various members, the Democratic members of the legislature who were subpœnaed before the Sangamon County grand jury, wasn't he?—A. I don't know, sir.
Q. Will you say you don't know anything about that?—A. I never saw either of them in Springfield when I was there. I don't know that they were acting——
Q. Who suggested Murray to you?—A. Who suggested Murray to me?

Q. Yes.—A. Nobody.

Q. You just happened to see Murray, did you, and hired him?—A. Wednesday night, when I left the grand jury room, I felt concerned. I went first to the Rookery Building, to the office of Judge Goodrich—A. A. Goodrich. He was a former townsman of mine; I went to see him and I found he was in New York. So when I got to my hotel I called up Murray's, and they told me to come to their offices, and I went over there.

Q. Now, McMahon was a lawyer whom you had never seen before?—A. No; I had never seen him before he came to me.

Q. McMahon and Murray were two men; were the two gentlemen at Springfield when you, with Tom Dawson—when you were subpœnaed before the grand jury of Sangamon County?—A. Tom Dawson and McMahon were there. I didn't see Murray.

Q. Well, the same ones?—A. Yes.

Q. You gave them a written statement and swore to it immediately after being before the Sangamon County grand jury, didn't you?—A. Immediately after?

Q. Yes.—A. Immediately? No, sir; I gave them a statement——

Q. Before?—A. When I was called to Chicago here, the second week of the grand jury.

Q. That is, before you went to Sangamon County?—A. Before.

Q. All right, just say so, without making a speech. Did they tell you that they wanted a written statement?—A. No, sir.

Q. Do you know who got the written statement?—No, sir.

Q. You did not?—A. No, sir.

Q. Did you hand it to State's Attorney Wayman?—A. No, sir.

Q. Would you be surprised if it was in Judge Hanecy's possession at the present time?—A. I don't know whether I would or not.

Judge HANECY. I will say, Mr. Chairman, that I do not know what this is done for. It is not in my possession, and I never heard of it until this present time. This is the second time that something has been said on the side, to have the inference before the committee, in reference to something that never existed, so far as I am concerned.

Senator BURROWS. Is there anything further of this witness.

By Mr. AUSTRIAN:

Q. Did you ever discuss with Mr. Ward or Mr. Lorimer or Mr. P. H. O'Donnell or Mr. Erbstein or any other person representing Browne in any one of the trials anything that you have testified to here?—A. Why, I think I talked about my treatment that I had before the grand jury.

Q. I am asking you who you talked with, when and who?—A. Oh, I have talked to, after being——

Q. I am not asking you that. Just state when and who.

Senator FRAZIER: Just answer the question.

Mr. AUSTRIAN. When and who?—A. During the day I was here before the grand jury.

Q. Who did you talk to?—A. I talked to the Murrays.

Q. Who else?—A. I talked to McMahon.

Q. Who else?—A. The next week I talked to Mr. O'Donnell.

Q. That is Pat O'Donnell here?—A. Yes, sir; that is Pat O'Donnell there.

Q. Anyone else?—A. I talked to Dawson.

Q. Tom Dawson?—A. Yes, sir.
Q. Tom Dawson is the man who represents a number of the Demoratic legislators who were indicted in Springfield and called before he Sangamon County grand jury; isn't that correct?—A. I undertand he represents some of them; yes, sir.
Mr. AUSTRIAN. That is all.
Judge HANECY. The so-called "Tom Dawson" was Democratic tate senator for a number of years, wasn't he?—A. I believe he was.
Mr. AUSTRIAN. Long before you were in the legislature?—A. Yes.
Judge HANECY. He is a practicing lawyer?—A. Yes.
Mr. AUSTRIAN. That is all.
Judge HANECY. That is all.
Mr. AUSTRIAN. Just one question.
Q. What was the name of the postmaster, if anyone, that you uggested to Senator Lorimer, if you did suggest anyone?—A. I lidn't say that I suggested anyone.
Q. Well, did you suggest anyone?—A. I did.
Q. Who?—A. W. S. Pitman.
Q. W. S. Pitman?—A. Yes; W. S. Pitman.
Q. Was he a Democrat or Republican?—A. No, sir; he was a Republican.
Senator PAYNTER. When did you make that suggestion?—A. Well, t was along in the fall. I think it was in October, if I remember ightly.
Senator PAYNTER. And the election was in May?—A. Yes, sir.
Judge HANECY. It was in the fall after Senator Lorimer was lected?—A. Yes.

By Mr. AUSTRIAN:

Q. In the fall of 1909?—A. Yes.
Q. You felt that you had a right to make that request, did you?—A. No, sir; I didn't feel that I had the right.
Q. Well, you felt that you had a right to hold him to his promise o prevent the appointment of the two men whose names you menioned, didn't you?—A. I felt that he would keep his promise; yes, ir; and I would endeavor to hold him to it, if it were possible for me o do so.
Judge HANECY. In other words, you would defeat either of those wo men in any way you could?—A. I certainly would.
Senator PAYNTER. Would you have voted for Mr. Lorimer as Jnited States Senator if he had not made that promise?—A. No, ir; under no conditions. Are you through with me?
Senator BURROWS. We are through with you. You may be excused.

John Henry De Wolf, called as a witness herein, being first duly worn by Senator BURROWS, was examined by Mr. AUSTRIAN and estified as follows:

Q. What is your name?—A. J. H. De Wolf.
Q. What are your initials?—A. John H.; John Henry is my full ame.
Q. Where do you reside?—A. I reside out from Canton Station few miles, 7 or 8 miles out in the country.
Q. What is your business?—A. Farmer.
Senator FRAZIER. I didn't hear that.
Senator PAYNTER. Farmer.

Mr. AUSTRIAN. He said farmer.

Q. When, if at all, were you elected to the Illinois legislature?—A. Two years; it will be two years this November.

Q. The forty-sixth general assembly?—A. Yes.

Q. That was the only time you had ever been in the Illinois legislature?—A. Yes.

Q. Mr. De Wolf, when for the first time—were you ever subpœnaed before any grand jury?—A. No.

Q. Never?—A. That is, not——

Q. Or ever taken before any grand jury on this matter, or anything pertaining to this matter?—A. No, sir.

Q. You haven't been put through any third degree, then, have you?—A. No, sir.

Q. Mr. De Wolf, you are a Democrat?—A. Yes, sir.

Q. You followed the leadership of minority leader Browne, didn't you; you were one of the men that voted for him for minority leader?—A. Yes, sir.

Q. There is no doubt about that?—A. No, sir; I voted for Browne for minority leader.

Q. When for the first time did you vote for Mr. Lorimer for United States Senator?—A. The day he was elected.

Q. The 26th of May?—A. I don't remember the date.

Q. Well, that is the date.—A. That is the date.

Q. That is the date; that is the first time?—A. Yes.

Q. Mr. Lorimer had been voted for for United States Senator before that time, hadn't he?—A. Well, I don't remember that he had now, he might have been; but I would not be sure about that.

Q. Is that the first day you voted for a Democrat—I mean for a Republican?—A. Yes, sir.

Q. Up to that day you had been voting for Democrats, hadn't you?—A. Yes, sir.

Q. Did you, at the St. Nicholas Hotel, on the 25th day of May, after the adjournment of the joint session, or the house, whichever it may be, toward evening, have a conversation with Charles A. White?—A. No, sir.

Q. You never had a talk with him?—A. Yes; I talked with him.

Q. How do you know you didn't have a talk with him on that day?

Judge HANECY. I object.

A. I don't think I had. I passed the time of day with Mr. White, but I would not be positive now. I might have talked to him. I won't be sure, but I may have talked to him on that date. I want to be fair, and I might have talked to him on that day.

Q. I assume that you want to be fair, Mr. De Wolf?—A. I don't remember the dates now. I might have talked to him on that day.

Q. Did you ever discuss the election of Mr. Lorimer with Charles A. White?—A. No, sir; I didn't.

Q. Never?—A. No, sir.

Q. Mr. De Wolf, did you discuss it with any other Democrat?—A. I think, on the day that Lorimer was elected—I am not positive, but I am quite positive—on the day Lorimer was elected, when the senate came over——

Q. No; I am asking you if you had discussed it with any other Democrats—did you or didn't you?—A. Yes.

Senator PAYNTER. He has answered.
Senator BURROWS. Proceed.
The WITNESS. The day Mr. Lorimer was elected, Mr. Holstlaw—am quite sure it was the day he was elected—came in. Several mes in the joint session Mr. Holstlaw sat close to me when the senate ime over in joint session, and, if my memory don't fail me, Mr. Holstlaw said to me, "Are they going to put Lorimer over to-day," r "Are they going to elect Lorimer to-day," or something to that ffect. I said I didn't know. "They have been electing somebody very day." Now, I don't know whether those are the exact words r not—"They have been electing somebody every day." "Now, if ney are going to elect Lorimer to-day, I don't know," or words to iat effect, and he asked me around the corridor of the hotel on dif-erent occasions. I know I said, on several occasions, I was willing) vote for any Republican to break the deadlock.
Mr. AUSTRIAN. That was the fact, wasn't it?
Senator BURROWS. He has so stated.
Mr. AUSTRIAN. Not what he said; I am not asking what he said; am asking if that was the fact, whether he was ready to vote for ny Democrat, at the time, to break the deadlock?—A. I said any epublican. I will say, two or three or four weeks—two weeks any-ay prior to election.

By Mr. AUSTRIAN:

Q. But you did not go across—A. No, sir.
Q. On the 26th of May?—A. I did not go across until the 26th f May. I wanted to vote for Hopkins, and I was told that Mr. Hopkins would not accept a Democratic vote, and I tried to get other iembers to join with me, and Hopkins was nearer—did not lack a reat many votes to be elected.
Q. But you never did vote for him?—A. No, sir; I did not.
Q. Now, on the 25th of May, 1909, in the St. Nicholas Hotel, either uring that day or evening, did you ask Charles A. White whether r not he had been "up to the trough" yet?—A. No, sir; I did not.
Q. Did you ask anyone else there?—A. No, sir; not to my recol-ction—not "up to the trough."
Q. Well, what did you say?—A. I say I do not know now; I ight have talked with him, because we talked back and forth in ie hotel, right in the lobby of the hotel often, in a jocular way. hat is not what I meant about that man, of what he would do or iings like that.
Q. Did you have any such conversation or anything referring to ie payment of money on the night of the 25th of May, 1909?—A. 'o you mean with anybody?
Q. Yes.—A. No, sir. If I had any conversation—if there was ny conversation about any money, it was done in a jocular way.
Q. Anything but a jocular way?—A. I don't think I did; no, sir.
Q. Will you say you did not?—A. I do not think I did; my best :collection is I did not.
Q. Your best recollection is that you had no such talk with harles A. White, is it?—A. Yes, sir.
Q. Between the 24th and 26th of May, 1909, in discussing with eckemeyer the question of voting for Mr. Lorimer for United States

Senator, did you say to him that they would have to show you befor you would vote for him?—A. No, sir.

Q. Or anything in substance of that kind?—A. No, sir; no, sir To my best recollection I never had a talk with Mr. Beckemeye about the United States Senatorship or about Mr. Lorimer in m life. I may have had, but my best recollection is that I had not.

Q. Did you ever at any time—you know Mr. George W. English— I think I have the name correctly—a member of the legislature?— A. Yes, sir.

Q. Sir?—A. Yes, sir.

Q. A Democratic member of the house?—A. Yes, sir.

Q. Is that the correct name?—A. Yes, sir. I think it is.

Q. Well, George English was a Democratic leader of the house?— A. Yes, sir; I think so.

Q. Did you ever tell George English that you had been approache to vote for Mr. Lorimer and offered money if you would vote fo Mr. Lorimer, or anything of that kind?—A. No, sir.

Q. Positive about that, are you?—A. Yes, sir.

Q. Did you ever discuss the election of Mr. Lorimer and you vote, or proposed vote, with Mr. English?—A. No, sir; not to m recollection.

Q. Will you say you did not?—A. To the best of my recollectio I would say no; that is to the best of my recollection.

Q. Mr. Witness, did anyone tell you that it was "coming off on the 26th day of May?—A. No, sir.

Q. No one?—A. No.

Q. Did you know before the house convened in joint assembly tha it was "coming off" on the 26th day of May?—A. No, sir.

Q. Were you paid any money for voting for Mr. Lorimer?—A No, sir.

Q. Before the 26th of May, 1909, you put a mortgage upon you property, did you not?—A. Before the—yes, quite a while; I put mortgage on the property when I bought it.

Q. Yes, sir. And after the 26th—you were in straitened circum stances, were you not?—A. I don't know whether I understand tha question.

Q. I mean hard up for money, prior to the 26th day of May?— A. No.

Q. Well, prior to the 4th day of June?—A. Well, let me get th straight, the 4th day of June. What do you mean, this——

Q. 1909?—A. That would be a year ago this June?

Q. Yes.—A. Why, I don't think I was.

Q. You don't think you were?—A. We put a mortgage on th place, on the 108 acres of land; we bought 108 acres and put a mor gage on it when we bought it. We bought 108 acres, and there was mortgage on it, and we paid, I think—now, I will not be exact abou this, because my memory don't last me, and as near as I can get at i it is a matter that can be proven up by the record. I think there we two mortgages, one for $800, maybe $850, and one for $1,600, but w bought the place. Now, I paid for the place, except, I think, $1,60 Then in June, the following June, we were building fences and fixin up the place, and I borrowed $500—well, not the following Jun after—I do not know whether the following June; I am not pr pared, gentlemen, I think it was June—I can tell you, I can tell yo

eferring to paper]—the $1,600 mortgage was June 15, 1906, paid r March 5, 1906; the $500 mortgage was June 6, and paid for—I say e $1,600 mortgage was paid for—it was put in with another mort-ge, but the $500 mortgage was placed June 6, 1908, and taken up—ally it was paid off, and the other was put in with another.

Senator BURROWS. Embraced in another mortgage?—A. Yes; with nother mortgage. I do not want to get ahead of you, sir.

Mr. AUSTRIAN. You know all the dates of your real estate transac-ons, do you?—A. No; I do not know all the dates of my real estate ansactions.

Q. Immediately after the adjournment of the legislature, did you t invest $3,600 in a piece of property?—A. No; excuse me. Last—at is, I invested in a piece of property—if I invested in a piece of operty, it was $4,600.

Q. Four thousand six hundred dollars. What did I say?—A. ou said $3,600.

Q. I meant $4,600.—A. I understood you to say $3,600.

Q. I mean $4,600.—A. I bought a piece of property for $4,600. do not remember the time we bargained for it now.

Q. Did you borrow any money to pay for that property?—A. Yes, r.

Q. From whom?—A. R. H. Henkle, through R. H. Henkle.

Q. When did you borrow it?—A. Well, we was to have the money the 1st of March.

Q. 1909?—A. Yes.

Q. When did you borrow it?

Mr. AUSTRIAN. 1909? He said he was to have had the money.—A. es; we was to have had the money. Through the money not coming from another loan, it was on the 15th day of March.

Q. You got the money?—A. Yes, sir.

Q. And when did you buy the property?—A. I am not sure when e bargained for it; it was along in the fall or winter, I would think; would not say when.

Q. 1909?—A. Why, yes; why, yes; 1909, a year ago.

Q. Isn't it as a matter of fact that you acquired that property, sir, the 9th day of August, 1909?—A. It may be, as the record——

Q. I am asking you.—A. Well, I have not got the records.

Q. (Handing paper to witness.) Well, is not that the certified py of the deed that was given to you for the purchase or acquisition the property?—A. I won't dispute it; it probably is.

Q. Well, turn to the other side, and state whether or not it is.— Yes, sir.

Q. That property was acquired by you, wasn't it, on the 9th day of ugust, 1909?—A. It was bargained for.

Q. That is, you bought it on the 9th day of August, 1909?—A. Yes.

Q. Now, will you tell this committee, if you please, sir, where you t the money which you paid for that property?—A. I paid $600, my recollection, on that property, sir.

Q. Yes, sir; and gave a mortgage for the balance, did you?—A. es, sir.

Q. You did?—A. Yes, sir.

Q. When did you give a mortgage for that?—A. On the 15th day —the record shows on the 15th day of March, 1910.

Q. You gave a mortgage for the same six months after you bough it?—A. Yes, sir.

Senator GAMBLE. Let me see that, please.

(Mr. Austrian thereupon handed paper to Senator Gamble.)

By Mr. AUSTRIAN:

Q. Isn't it a matter of fact that you gave a mortgage for $6,000 or purported to give a mortgage for $6,000—now, wait until I go through—isn't it a fact that you purported to give a mortgage fo $6,000 in March, 1910; isn't that the fact?—A. It is a fact that w gave a mortgage for $6,000.

Q. On or about the 1st day of March, 1910?—A. The 15th o March, I think. That is the date it was recorded; about the 1st o March, I don't know.

Q. Isn't this the mortgage you have reference to [handing docu ment to witness]?—A. What, the identical mortgage, or a copy of it

Q. A certified copy of it?—A. I expect it is.

Q. Sir?—A. I expect it is.

Q. And you say that included in that the mortgage which wa given the 1st of March—you can see there——A. No; it was given th 15th and recorded the 21st.

Q. On the 15th day of March you got the money that you pai for that property, is that right?—A. Which property?

Q. The property that you bought on the 9th day of August.—A Yes, sir; that is, we got——

Q. You have answered it.—A. Well, I say now I want to get th right. There was $1,600 and $500, which is $2,100, on 108 acres.

Senator PAYNTER. That is on the first piece of land?—A. Yes, si that is on the first piece of land. So we bought 62 or 63 acres fo $4,600, and we gave a mortgage for $6,000, took up the 16 and paid off you might say, you can put it any way you please, paid o the $500 mortgage, but we placed the mortgage—made a new loa have these others—because these others were in two mortgages, an went to Mr. Henkle, the same man who we made the first loan fro and made a loan from him for $6,000.

Q. Now, Mr. De Wolf——

Senator BURROWS. Wait until he concludes.

Mr. AUSTRIAN. I thought you had finished. I beg your pardon.

Senator BURROWS. Out of that loan you paid these other mor gages?—A. Well, you might say I paid the $500 mortgage—no, t 16 and—I do not know whether I can get it through your hea straight, but we took up the mortgage. Now, we will say there is mortgage of $2,100—$1,600 and $500 on the place, and we made a ne loan for $6,000.

Senator GAMBLE. And you have the new loan liquidated?—A. Y have the new loan liquidated in this one mortgage, liquidated t prior mortgages, and all went in this one mortgage.

Mr. AUSTRIAN. Now, the prior mortgages——A. Sixteen and $2,100.

Q. Two thousand one hundred?—A. Yes, sir.

Senator GAMBLE. And that also included the liability out of t land you bought?

Judge HANECY. Four thousand six hundred. He said he pa $600, $2,600, and $2,100.

The WITNESS. If you can excuse me, I laid up when I made this
al, I put up $600. There was a tenant on the place, and I could
t get the place until this tenant would go, and that was fixed up
e 1st day of March.
Mr. AUSTRIAN. Now, I will ask you——
Senator PAYNTER. Let the witness go ahead and answer in his own
ay, so that we know the facts.—A. It was fixed for the 1st day of
arch. Mr. Henkle, who the money was loaned from—I had seen
m to get the money before I made the deal, and he said I could have
. The money was loaned out and was late coming in, so that the
al was not closed. Now, I do not think—that is about the middle
March. I see this is the copy of the 15th day of March instead of
e 1st day of March. The money was paid over to Mr. Joliet by
enkle.
Mr. AUSTRIAN. Joliet is the man who you bought the second piece
om?—A. Yes, sir.
Q. The four thousand six hundred?—A. Yes, sir.
Q. The money was paid to Joliet by Henkle?—A. That is the
ansaction, I suppose now. I never saw the money, I don't know
w it was paid, by check or what.
Q. That is, you paid $600?—A. Yes, sir.
Q. The cost of the transfer for this so-called $4,600 piece, is that
rrect?—A. I paid what?
Q. Six hundred dollars?—A. I paid $600 down.
Q. On the 9th day of August?—A. Yes, sir; well, on whenever the
ed was made.
Q. Who prepared the statement that you have in your hand?—A.
think Mr. Henkle.
Q. How did you happen to get that statement, Mr. De Wolf?—A.
ell, sir, I do not know now about the dates.
Q. Well did you think you would be called on in reference to these
cts?—A. Well, I thought I would probably be called upon refer-
ce to these facts; yes.
Q. Now, Mr. De Wolf, let me ask you, did you discuss with any
e——
Senator PAYNTER. Before you leave that I would like to ask you
question.
Q. The vendor—did I understand you to say the vendor was paid
full $4,600.—A. Yes, sir; when the mortgage was given.
Q. And when the deed was delivered in escrow you put in $600?—
. Yes, sir.
Q. Did I understand you to say Mr. Henkle, the man from whom
u borrowed the money, paid the vendor the balance?—A. Yes, sir.
Senator GAMBLE. Now, the mortgage covered both pieces of land?—
. Yes sir; both pieces of land, cleared it up and put it in one mort-
ge.
Senator FRAZIER. When did you pay the $600?—A. The date that
e deed—whatever the date the deed was made out.
Q. About the 15th of March did you say?
Mr. AUSTRIAN. The 9th day of March, isn't it? I mean the 9th
ay of August?—A. When we made the bargain I went over to see
r. Joliet and made a bargain for the place, and then he came over.
Q. What is the date?

Judge HANECY. The date is the 9th of August, the date of the ac knowledgment is the 9th, but was not recorded until the 21st.

Mr. AUSTRIAN. Until the 1st day of June, 1910, he said it wa held in escrow.—A. Placed in the bank.

Senator FRAZIER. When did you pay the $600 in cash is what want to know. What date did you pay the $600?—A. I paid it th date of the deed. He and his wife came over to my place on Sunday

Q. To your knowledge was that in August, do you say?—A. Tha is a matter of record that could be seen to get it correctly.

Senator FRAZIER. The deed would show it.

Mr. AUTRIAN. The deed does show the 9th day of August.—A. am not positive if that is a copy of the deed; yes, I expect that wa when it was. I drove over there and they came over on Sunday, h and his wife; he and his wife came with him, and we talked over th trade.

Senator BURROWS. That is not necessary. Is that all?

Mr. AUSTRIAN. Just one moment, if you please.

Q. You spoke of two mortgages, did you not?—A. Yes, sir.

Q. Your first piece of property was a farm of about 120 acres?—A One hundred and eight.

Q. One hundred and eight acres. You bought that to run a road house?—A. No, sir.

Q. A farm?—A. A farm.

Q. That place cost you $3,950, didn't it?—A. Yes, sir.

Q. And you assumed two mortgages—one for $1,600 and one fo $850, isn't that correct?—A. No, sir.

Q. What mortgages did you assume?—A. We assumed those mort gages, but they were taken out of the $3,950.

Q. Then you did assume two mortgages?—A. Yes, sir.

Q. You deducted it from the purchase price?—A. Yes, sir.

Q. Those mortgages were paid off, were they not, in March, 190 is that correct?—A. Yes, I think they were. I made a loan of M Henkle.

Q. Paid off in March, 1907?—A. You got the record.

Q. They were paid for?—A. Yes, sir.

Q. In June, 1908, you put a new mortgage on the place of $50 didn't you, and used the money for campaign expenses? Isn't tha right?—A. No, sir.

Q. Didn't you put a mortgage on the place?—A. Yes, sir.

Q. For $500?—A. Yes, sir.

Q. In June, 1907?—A. Yes, sir; but I did not use the money fo campaign expenses.

Q. You did not?—A. No, sir.

Q. I am not interested, then, if you did not. In August, 1909, afte the legislature adjourned, you bought another farm from Willia Joliet of 63 acres, didn't you?—A. Yes, sir.

Q. And you paid $200 down?—A. On that I thought I paid $60 I would not be certain.

Q. Didn't you pay $200 down?—A. I think it was $600—I can n be certain of these things.

Q. And you agreed to pay the balance the 1st of March, 1910?—A Yes, sir.

Q. And that place cost $4,600, did it?—A. Yes, sir.

Q. You didn't pay the money until——

Senator BURROWS. We have been over that.
Mr. AUSTRIAN. No; I have not been over it.
Senator BURROWS. Well, if there is something more, proceed.
Mr. AUSTRIAN. I state that with all respect to the committee.
Senator BURROWS. Very well.
Mr. AUSTRIAN. My impression is that it was not gone over thoroughly. If I have, I am sorry to go over it again.
Senator GAMBLE. The witness, I think, went ahead and told the story without being led.
Mr. AUSTRIAN. Mr. De Wolf, I want to ask you, Is R. F. Henkle the name of the person you traded with, or J. H. Davis?—A. I did business with R. F. Henkle.
Q. Not Davis?—A. No, sir.
Q. You don't know anything about him?—A. I don't know anything about J. H. Davis.
Q. You never heard the name before?—A. Oh, yes; I heard the name.
Q. Do you know the man?—A. I do not know the man; I do not know that I know him; I may know him.
Q. J. H. Davis is the name R. F. Henkle sometimes does business under?—A. Yes, sir.
Q. Oh, that it is?—A. Yes, sir.
Q. Then R. F. Henkle makes mortgages in the name of J. H. Davis and has them recorded?—A. Yes, sir.
Q. Will you tell this committee if anyone—if you heard at Springfield, on the 24th, 25th, or 26th of May, any proposition made to you, or any other member of the legislature in your presence, with reference to the promise of reward if a Democratic member of the legislature would vote for Mr. Lorimer?—A. No, sir.
Q. You never discussed that feature with anyone, did you?—A. If I did, now——
Q. Did you?—A. Well, no; I do not think I did. If I did I might have discussed things in the corridor when they were joking around.
Q. No one did offer you any money?—A. No, sir.
Q. And you never were "up to the trough?"—A. No, sir.
Q. And you never asked Charlie White if he had been "up to the trough?"—A. No, sir; I never asked him.
Q. Do you know Dug. Peterson?—A. Yes, sir.
Q. Did Douglas Peterson ever offer you anything?—A. No, sir.
Q. Did you ever say that he did?—A. No, sir.
Q. Are you sure?—A. Yes, sir; I am sure.
Q. Positive?—A. I am positive of that.
Q. And if you told Mr. English that you were offered money to vote for Mr. Lorimer, why, that was not true, was it?—A. If I told him no, it was not true.
Q. Did you tell him?—A. I do not think I did; to the best of my recollection I would say no.
Q. Did you ever tell anyone or, as a matter of fact, did anyone ever call to you over a transom in the St. Nicholas Hotel?—A. Well, I do not know now. There might have been somebody called.
Q. Just a moment, I have not finished.—A. Excuse me.
Q. And asked you to open the door, or words to that effect, and offered you certain things through the door if you would vote for Mr. Lorimer?—A. No, sir.

Q. No such thing occurred?—A. No, sir; no such thing ever occurred.

Q. You never told anyone it ever occurred, did you?—A. No, sir.

Q. Did you?—A. No, sir; I did not.

Q. And if Beckemeyer said what I have detailed, he is mistaken, is he?—A. Yes, sir.

Q. And so is English?—A. Yes, sir.

Q. And so is White?—A. Yes, sir.

Q. Then they lied, did they?—A. Oh, I would not say that.

Judge HANECY. That is hardly a proper word.

Mr. AUSTRIAN. Told a falsehood, put it that way. I will withdraw the statement—told an untruth.

Senator FRAZIER. Mr. De Wolf, what was the inducement, if any of any kind, that induced you to vote for Mr. Lorimer?—A. Well sir, I will be glad to tell you. I was anxious to break the deadlock Now, I voted for Lorimer. I was a farmer; went to the legislature expecting to save a pittance of my salary; that is what induced me to go there, gentlemen. I was a poor man and acquired this little land; and I was elected sheriff, my wife running the jail; and I boarded the prisoners and saved that up, and that induced me to go to the legislature, and it was so stated in my campaign that I could be honest and save up $1,000. I was there for three or four months and nearly all the time there was a deadlock on; and as I was there a while I tried on different occasions to get the fellows to elect Mr Hopkins—for enough Democrats to elect Mr. Hopkins. I think a few days—a day or so, I would not be sure—Mr. Lorimer came. I do not know whether he sat down, but I think he sat down on a chair close to me, and he said, "Mr. De Wolf, I understand you are willing to vote for a Republican for United States Senator," and I said, "I am." "Well," he says, "I am thinking about being a candidate," and I says, "If you are, I will vote for you."

Q. How long was that before the date that you voted for him?—A. I would not state; a day or two or maybe three days before; how long, I do not remember well. If I am not badly mistaken, Mr Lorimer told me—he says: "I am a Republican of the old school," or words to that effect, "of high protection. If you are a Democrat you don't believe that." I says: "No; I can not vote for you, because I do not believe in high protection; but I would like to get this up high enough so that the people will know what is hurting them. I was raised a Republican, gentlemen—I do not want to make a speech—until 1896, and as a question of principle you are voting to a Republican anyway. I wanted to get out my work and get back home.

Senator PAYNTER. Was it your desire when you tried to organize to get these Democrats to vote for Hopkins—that means you objected to the legislative deadlock?—A. To the deadlock. We had not done a thing in legislative ways. I wanted to do my work and get home get back home.

Mr. AUSTRIAN. Five legislative days after, Mr. Lorimer was elected.

Senator PAYNTER. I am not asking about Mr. Lorimer.—A. If they held session all day, they would not do a thing. I did not believe in this; I wanted to do the work and go home; do what you are going to do.

Judge HANECY. You were ready, Mr. De Wolf, to vote for Senator Hopkins's reelection?—A. Yes, sir.

Q. Until you heard somebody say that he did not want any Democrats to vote for him?—A. I heard—well, it was discussed in the lobby of the St. Nick. Some of the Hopkins fellows said he would not accept a Democratic vote. This I said on account of the primary.

Q. And you never did receive anything for your promise to vote for Lorimer?—A. No, sir.

Q. For voting for him?—A. No, sir.

Mr. AUSTRIAN. Mr. Witness, did you go to Mr. Hopkins and tell him you were ready to vote for him?—A. No, sir.

Q. Did you go to any of his managers or leaders down there and tell them you were ready to vote for him?—A. No.

Q. Mr. De Wolf are these your certified copies of your paid vouchers that you drew, as a member of the legislature, mileage, and so forth [handing documents to witness]?—A. I expect they are.

Mr. AUSTRIAN. I want these identified. They are deeds and the mortgage in question and the vouchers.

Judge HANECY. I object to encumbering the record with these.

Mr. AUSTRIAN. Just let them be identified; I just wanted to have them identified, so that we need not have to call this witness back.

The WITNESS. I want to explain another thing to the committee.

Mr. AUSTRIAN. Just a moment, and you can explain.

Senator BURROWS. They can be identified, but not admitted in evidence at this time.

Mr. AUSTRIAN. I just want to identify them, so that there will be no dispute that they are De Wolf's exhibits. Call them De Wolf's Exhibits 1, 2, 3, and 4.

Judge HANECY. For identification; for identification only.

Mr. AUSTRIAN. I am not going to offer them at this time.

Judge HANECY. Your statement was "De Wolf exhibits."

Mr. AUSTRIAN. They are not in evidence.

Senator HEYBURN. Being marked for identification does not necessarily put them in evidence at all.

Mr. AUSTRIAN. Just to identify them.

Judge HANECY. What I mean is, if he marks them De Wolf Exhibits 1, 2, 3, and 4, they will be taken as in evidence.

Senator HEYBURN. They are just in for identification.

Judge HANECY. He said mark them De Wolf Exhibits 1, 2, 3, and 4.

(Which said papers were marked "De Wolf Exhibits 1–D, 1–E, 1–F, and 1–G," respectively.)

EDWIN R. WRIGHT, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Austrian, and testified as follows:

Q. What is your full name?—A. Edwin R. Wright.

Q. Speak up loud, so that everyone can hear you. What is your business?—A. President of the Illinois State Federation of Labor.

Q. How long have you been engaged as president of the Illinois State Federation of Labor?—A. Four years.

Senator BURROWS. Can you speak a little louder, Mr. Wright?

Mr. AUSTRIAN. Keep your voice that way, I can get it.—A. Four years.

Q. Mr. Wright, do you know Charles A. White?—A. I do.

Q. How long have you known Charles A. White?—A. Between three and four years.

Q. Did Mr. Wright have any conversation with you in reference to the publication of his experience at the Illinois legislature? Just answer that yes or no.—A. Yes.

Q. At what time?—A. I think it was the 23d day of last October.

Q. 1909?—A. Yes, sir.

Q. Did you direct him where to go with reference to them; and if so, when?—A. That will take a little explanation.

Q. Give it.—A. Mr. White came to me in Chicago last fall, if I remember rightly, and told me that he had a story written out that he wished to dispose of for publication. He told me that he had submitted the story to Everybody's Magazine, I believe. And he afterwards told me that they had decided not to use it. He told me that he had attempted to sell it to different other magazines and failed, and he had decided to try some of the newspapers in Chicago. I am a printer by trade, and White came to me and asked regarding different newspapers and as to their method of handling news stories, and so forth, and asked me in regard to the different papers in the city of Chicago. I think he mentioned most of the newspapers and asked regarding their policy of carrying a story of some length. I told him that the several papers, mentioning two or three of them, I think, were given to condensing their matter, and were not in the habit of issuing a long story. It came about in this way: He said he did not care to use two or three columns of space, but if possible he wished the story that he had written to be printed. After speaking of the News, the Post, the Journal, and the Hearst newspapers he told me that he intended going to the Inter-Ocean and see if he could not dispose of the story there, and he asked me in regard to the matter. I told him that he was—he possibly could have the story printed, and asked him in regard to the story, and he told me that it would contain the names of several prominent politicians, and after discussing the matter for a while I suggested to him that he would probably find a better market for the story he had either at the Record Herald or the Tribune. Does that answer your question?

Mr. AUSTRIAN. Yes, sir; that is all.

Cross-examination by Judge HANECY:

Q. And that is the story uncondensed; your story uncondensed?

Mr. AUSTRIAN. I object.

Judge HANECY. Is it?

Mr. AUSTRIAN. I object.

A. I do not understand you, sir.

Judge HANECY. Is that the whole story, your own story?—A. I was answering a question.

Q. Is that your story?—A. I do not know, I was trying to answer a question.

Q. Is that all? Have you answered all?—A. I could not tell you sir.

Q. You don't know. What is your business?—A. I am a labor organizer.

Q. Well, I know you said you were president or are president of the state Federation of Labor? Are you holding any other job?—A. No, sir.

Q. Have you?—A. Yes, sir.
Q. What?—A. Well, sir, I worked at my trade for twenty-odd years.
Q. Did you hold any job under the State?—A. No, sir.
Q. You were never appointed to any place?—A. Yes, sir; I have.
Q. Do you hold a place now under Governor Deneen?—A. No, sir.
Q. When did you?—A. Up until the 15th of this month.
Q. What was that place?—A. I was acting as a member of the employers' liability commission.
Q. And when were you appointed to that place?—A. Last spring.
Q. Of this year?—A. Yes, sir.
Q. And you kept that place up to——A. The 15th of September.
Q. The 15th of this month?—A. Yes, sir.
Q. Did you hold any other appointment from Governor Deneen before that time?—A. Yes, sir; several—I was appointed to a commission that made—let me see—it was on corporations and trusts, I believe a year or so ago.
Q. When were you appointed to that?—A. Oh, a year or two ago.
Q. And you held that place up to when?—A. I think I held that place thirty-three days.
Q. And were you appointed to any other place by Governor Deneen?—A. Let me see, I believe I have held one or two honorary positions. I have never held a place where I drew any money from the State of Illinois.
Q. But you have held a number of appointments, a number of positions by appointment of Governor Deneen, of this State?—A. One or two minor appointments of that kind, merely complimentary appointments.
Q. You are a close personal and political friend of Governor Deneen?—A. I am not a politician.
Q. I did not ask you that.—A. You asked me if I was a political friend of his.
Q. Are you a friend of his?—A. Personally I have a very friendly feeling toward the governor.
Q. Are you a Democrat or a Republican?—A. I am a labor man.
Q. Are you an adherent of either of the two great parties, Republican or Democrat?—A. I vote for the man who I think is the best fitted for the position.
Q. I want you to tell me whether you are a Democrat or a Republican.—A. Well, I voted at the Republican primaries and voted at the Democratic primaries. At the last primary I voted at the Republican primary.
Q. Before that what had you been, a Republican or a Democrat?—A. Why, I voted for Republicans, Democrats, and Socialists; without regard to the party I vote for the man.

Senator BURROWS. We do not see the relevancy of that.

Judge HANECY. Very well; I do not care to press it, then. That is all.

Senator BURROWS. That is all. Call Mr. Walker.

Mr. AUSTRIAN. Mr. Walker is a witness in rebuttal.

Senator BURROWS. Is Mr. Ross here?

Mr. NIXON. He is not here.

Senator BURROWS. Mr. Merritt?

Mr. NIXON. He is not here.

Senator BURROWS. Mr. Ford?
Mr. NIXON. He is not here.
Senator BURROWS. Have you Mr. Eldridge?
Mr. NIXON. Eldridge is here.
Mr. AUSTRIAN. Eldridge and Walker, I told the Sergeant-at-Arms, are witnesses in rebuttal.
Mr. NIXON. Does the committee discharge Mr. Meyers finally?
Senator BURROWS. Yes.
Mr. NIXON. Is Mr. Shephard discharged finally?
Senator BURROWS. Yes; he was discharged. Is Mr. Gray in rebuttal?
Mr. AUSTRIAN. Mr. Gray is in rebuttal.
Senator BURROWS. Mrs. Luke?
Mr. AUSTRIAN. Mrs. Luke is a witness; yes. Is she here?
Mr. NIXON. There is a telegram explaining her condition.
Senator BURROWS. She has telephoned she is ill.
Mr. AUSTRIAN. Mr. Chairman, before we adjourn I would like to offer this statement in evidence.
Senator BURROWS. What is it? Do you want to introduce that?
Mr. AUSTRIAN. I do.
Senator BURROWS. Any objection?
Judge HANECY. What is that?
Mr. AUSTRIAN. That is a confession of Holstlaw.
Judge HANECY. The confession?
Mr. AUSTRIAN. Well, call it anything you like.
Judge HANECY. Well, it is the paper you showed Holstlaw.
Mr. AUSTRIAN. Paper signed by Mr. Holstlaw.
Judge HANECY. I have no objection.
Senator BURROWS. No objection to it.
Mr. AUSTRIAN. This is in evidence.
(Which said document last above referred to, marked "Exhibit 1–H," is in the words and figures following, to wit:)

STATEMENT OF D. W. HOLSTLAW.

Q. What is your name?—A. D. W. Holstlaw.
Q. What is your age, residence, and occupation?—A. I am 61 years old residence Iuka, Ill.; my occupation is banking, farming, and shipper of live stock.
Q. You are a member of the general assembly of Illinois?—A. Yes, sir.
Q. And senator from the forty-second district, are you?—A. Yes, sir.
Q. I understand that you want to make a statement of your connection with the purchase of furniture for the senate and house assembly rooms as a member of the committee appointed by the legislature for that purpose.—A. I do.
Q. This statement when made is to be submitted to the state's attorney, Sangamon County, as I understand?—A. That is what I understand.
Q. Who constituted the committee?—A. Secretary Rose is chairman and Representative Pierce is secretary, and Senator Pemberton and Representative J. O. S. Clark and myself were a part of the commission.
Q. You may state any conversation you may have had with your associates on the committee or any of them about whether you would get anything out of letting the contract for yourselves.—A. They both of them, Pemberton and Clark, both said that we would get something out of it.
Q. Did you afterwards have any conversation with Mr. Freyer or Mr. Johnson on the same subject, and if so, what was said between you and them on that subject?—A. Mr. Freyer first asked me what I would want. I think that was what he said. I can not hardly recall what he said to me. I do not know what I did say to that, but we never finished talking. But I ought to say—I do not

know whether I told him or not, I think he asked me what I would want out of it, and I think I gave him an evasive answer, and I did not want to do anything of that kind; then, when he got ready to go out, he said, "You go ahead and fix it up with Mr. Johnson. Whatever he does is all right." That is all as I remember that he said.

Q. Did you afterwards agree with Mr. Johnson how much you were to have?—A. Yes.

Q. How much did Mr. Johnson agree to give you?—A. One thousand five hundred dollars.

Q. When was it to be paid?—A. After the furniture was received.

Q. Did Mr. Johnson say anything to you on the subject of what he was paying anyone else on the committee, and if so, what did he say?—A. He said that was more than he was paying anybody else, and he said that, if I remember right, he said $1,000 was what he was going to give Clark and Pemberton.

Q. Did you have any talk with either Clark or Pemberton as to how much they were to receive?—A. I did not.

Q. Has anything ever been paid to you?—A. Not a cent.

Q. Now, is there any other fact that you can state in connection with this matter that you now recall without being questioned about it?—A. I do not think of anything else.

Q. You are a Democrat, are you not?—A. Yes, sir.

Q. Did you vote for Lorimer for United States Senator?—A. I did.

Q. Before the voting came off was anything said to you about paying you anything for voting for Lorimer?—A. There was.

Q. Who talked to you on that subject, and what was said?—A. Senator Broderick, of Chicago. He said to me: "Mr. Lorimer is going to be elected to-morrow"—that is as well as I remember the date, and he said: "There is $2,500 for you if you want to vote that way," and the next morning I voted for him.

Q. Did you tell Mr. Broderick that you would vote for Mr. Lorimer?—A. I do not know whether I did or not, but I think I did.

Q. Did you afterwards receive any money from Mr. Broderick, and if you did, when and where was that?—A. I received $2,500 in his office at one time, and I do not know whether I received the other at the same time or not, but I rather think it was at another time I received about $700; I think it was about that.

Q. What was the $2,500 for?—A. It was for voting for Lorimer.

Q. And what was the $700 for?—A. Well, he never said and I did not ask him. He said there was that much coming to me and handed it to me; that is all that was said about it.

Q. Do you know of any other matter connected with legislative bribery during the last session of the legislature that you now recall?—A. I do not.

This statement is made voluntarily, because I feel it is right to make it and I do not feel that I can live an honest life without making a full disclosure of the truth respecting these matters to the public authority.

This statement is made for the use of the State's attorney of Sangamon County and before I signed the same I have had it read over to me in detail and fully understand its contents. I have also carefully read the same myself.

Dated at Springfield, Ill., May 28, 1910.

D. W. Holstlaw.

Senator Burrows. The committee will now adjourn.

Whereupon the committee adjourned until 10 o'clock a. m., Saturday, October 1, 1910.

SATURDAY, OCTOBER 1, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. committee met pursuant to adjournment, and the following proceedings were had.

The following members of the subcommittee being present: Hon. J. C. Burrows, chairman, Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. James L. Paynter, Hon. Joseph F. Johnston, and Hon. James B. Frazier.

Senator BURROWS. The committee will please come to order. Is Mr. De Wolf here?

Mr. AUSTRIAN. Before Mr. De Wolf is called, may I have it postponed? I did not know that Mr. De Wolf was here. I have some documents coming from my office that I sent for and I would like to have them here.

Senator BURROWS. The committee is advised that Mr. De Wolf desires to correct a statement—statement that he made yesterday.

Mr. AUSTRIAN. May it be delayed for a little while so that I can send for those documents, and it will prevent two examinations.

Senator BURROWS. Certainly.

Mr. AUSTRIAN. I understand Mr. Clark is here. Will you call Mr. Clark?

Senator BURROWS. Is Joseph S. Clark present?

Mr. CLARK. Yes.

Mr. AUSTRIAN. I would like the same rule invoked here as with the other witness.

Senator BURROWS. What is that?

Mr. AUSTRIAN. I would like the privilege of cross-examining him.

Senator BURROWS. Certainly.

JOSEPH S. CLARK, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Austrian and testified as follows:

Mr. AUSTRIAN. What is your name?—A. Joseph S. Clark.

Q. What is your business, Mr. Clark?—A. Well, I am police magistrate in the city in which I live and I am somewhat interested in the lumber business.

Q. Just direct your answers that way so that the committee will get your answers, and I will hear you all right.—A. All right.

Mr. AUSTRIAN. Keep your voice up so that the stenographer will get it, please.—A. Yes, sir.

Q. Where do you reside, Mr. Clark?—A. Vandalia, Ill.

Q. When were you elected—if at all—elected to the Illinois legislature?—A. I was elected in November, 1906, I believe, first.

Q. That was the first session of the legislature?—A. Yes, sir.

Q. When for the second time, if at all?—A. 1908.

Q. Both times a Democrat?—A. Yes, sir.

Q. Both times to the lower house?—A. Yes, sir.

Q. House of representatives?—A. Yes, sir.

Q. Mr. Clark, were you one of the Democrats—I am talking now about the last general assembly, the forty-sixth—who were known as one of the Lee O'Neil Browne minority faction in the house?—A. Yes, sir.

Q. And you followed his leadership, didn't you?—A. Yes, sir.

Q. When for the first time did you vote for Mr. Lorimer for United States Senator?—A. I believe it was in May, 1909.

Q. That is, the first time you ever voted for Mr. Lorimer for United States Senator was the day he was elected?—A. Yes, sir.

Q. That was on the 26th day of May, wasn't it?—A. I believe so.

Q. When, after the election of Mr. Lorimer, if you recall, did the Illinois legislature adjourn?—A. I don't recollect exactly.

Q. It was about a week or ten days thereafter, was it not?—A. I might have been; it was not very long.

Q. Had you, prior to the 26th day of May, Mr. Clark, prior to the 26th day of May, 1909, during that joint session of the joint assembly, known as the forty-sixth general assembly, voted for a Republican for United States Senator?—A. I don't know; I voted for six or seven different candidates. I voted most of the time for Mr. Stringer.

Q. Stringer was the Democratic nominee?—A. Stringer was the Democratic nominee.

Q. Can you tell the committee any Republican candidate for United States Senator for whom you voted prior to the 26th day of May, 1909?—A. I voted for some men whom I didn't know their politics.

Q. That was at the request of some——A. Some of my——

Q. Constituents?—A. Of my colleagues.

Q. That is what they referred to as a complimentary vote?—A. A complimentary vote.

Q. Mr. Clark, who, if anyone, asked you to vote for Mr. Lorimer for United States Senator?—A. No person ever asked me to vote for Mr. Lorimer.

Q. You did it of your own volition?—A. I did it of my own free will.

Q. When did you make up your mind to vote for Lorimer?—A. It was Friday evening or Saturday at my home, previous to the election of Mr. Lorimer.

Q. Do you recall the date, the day of the week, that Mr. Lorimer was elected to the United States Senate?—A. I don't, but I believe it was on Thursday, if I am not mistaken.

Q. Then, after your return from your home—where did you say your home was?—A. Vandalia.

Q. After your return from your home to Springfield, you did not announce to anyone that you intended to vote for Mr. Lorimer, did you?—A. I did not.

Q. You never did announce to anyone that you did intend to vote for Mr. Lorimer?—A. I did not.

Q. Until you voted?—A. Until I voted.

Q. You are positive about that?—A. I would like to correct a statement.

Q. All right.—A. My correction is right here. The gentleman who was in charge of the coat room on our side of the house came to me perhaps fifteen minutes before the roll was called to vote for United States Senator, and he says, "Mr. Clark," or "Joe" or "Uncle Joe"—they call me both—he says, "you should vote—you ought to vote for Lorimer to-day." I answered him, and I says, "Who sent you here?" He says, "No one."

Mr. AUSTRIAN. That was the only conversation?—A. That was the only conversation I had after leaving my home.

Q. You did not even disclose that conversation to anyone?—A. I never disclosed that, only at my home.

Senator JOHNSTON. Did you tell him you were going to vote for Lorimer?—A. I did not.

Mr. AUSTRIAN. Now, Mr. Clark, after you had made up your mind at your home in Vandalia to vote for Mr. Lorimer, which was several days, as I understood you to say, prior to your voting for Mr. Lorimer——A. Yes.

Q. (Continuing.) Why did you not vote for Lorimer on the first ballot after you got back into the joint session of the general assembly?—A. I would not vote for any Republican unless my vote was sure to elect or partially that way.

Q. And that is why you concluded not to vote for Mr. Lorimer until you knew or believed that you knew that your vote would assist in his election; is that a fact?—A. Yes, sir; I had understood from hearsay that Mr. Lorimer's chances were good to be elected several days previous to——

Q. Why didn't you vote for him when you understood from hearsay that his election was somewhat assured?—A. I had no chance.

Q. He was a candidate was he not?—A. Well, he had a few votes; three or four, something like that.

Q. He had been getting a vote, one or more votes in the joint assembly ever since the 13th of May, hadn't he?—A. Presumably.

Q. And at no time had you cast one of those votes for him?—A. No, sir.

Q. Until the 26th of May?—A. Until the 26th of May.

Q. Then, when it came along the 26th of May you went into the general assembly, the joint session of the general assembly, and ascertained that that was the day that your vote would assist in his election?—A. That is what I inferred.

Q. From whom did you infer that?—A. It was general talk that they were going to elect Lorimer that day.

Q. Did you inquire or make any investigation as to whether or not he had enough votes to elect him before you cast your vote?—A. I did not.

Q. You took it for granted.—A. I took it for granted.

Q. You were willing, although your name was one of the first on the roll called in the house?—A. Mine was the twenty-fifth or twenty-sixth name.

Q. In the house?—A. Yes, sir; in the house.

Q. How many members did the house consist of?—A. 153 if they were all there.

Q. You were willing without inquiring as to the number of votes that Mr. Lorimer had to take your chances and cast your vote under the conditions you have stated; is that right?—A. Yes, sir.

Q. Now, Mr. Clark, you never had any talk directly or indirectly with Lee O'Neil Browne with reference to voting for William Lorimer?—A. I never did.

Q. You never had any talk with any member of the legislature in either house, the senate or house of representatives, with reference to your vote, did you?—A. Not that I remember of.

Q. When, after the adjournment, did you meet Mr. Browne?—A. What is that?

Q. When, after the adjournment of the joint assembly, did you meet Mr. Browne?—A. I don't know positively that I met Mr. Browne again until the called session of the legislature.

Q. I will ask you whether you have any recollection at all of having met Mr. Browne in the city of St. Louis after the adjournment of the legislature?—A. Sir?

Q. Have you any recollection of having met Mr. Browne in St. Louis after the adjournment of the legislature?—A. I did not mee

Ir. Browne in St. Louis in December, 1908, when he was a candidate
)r minority leader.
Q. I said since the adjournment of the joint assembly.—A. No, sir.
Q. At no time?—A. I have not met Mr. Browne in St. Louis.
Q. Have you met Mr. Browne anywhere else?—A. Yes, sir; I met
im in Springfield.
Q. I will ask you did you meet him at any time during the month
f June, 1909?—A. I did not.
Q. At any place?—A. I did not.
Q. Or during the month of July at any place?—A. I did not.
Q. Or during the month of August at any place?—A. I did not.
Q. Very well. Now, Mr. Clark, did you meet Mr. Robert E. Wil-
)n?—A. I did.
Q. In the city of St. Louis?—A. Yes; I did.
Q. On what occasion?—A. Some time in the month of June or
uly; I forgot which.
Q. It was on the occasion, was it not, that Mr. Shephard, Mr. Link,
Ir. Luke, and others were in the Southern Hotel?—A. Yes, sir.
Q. And if they did fix that date as July 21—or I mean July 15,
909—would you say that was about the correct time?—A. I would
ot.
Q. No, sir?—A. I would not say.
Q. You say you would not. You would not say it was, and you
'ould not say it was not?—A. I would not say it was, and I would
ot say it was not. It was some time when them parties were there;
was one of that number.
Q. You went to St. Louis, did you, for the purpose of meeting
Ir. Wilson?—A. At his request.
Q. How was that request imparted to you, sir?—A. Either by let-
:r or telegram, I do not recollect which.
Q. Have you that letter or telegram?—A. I have not.
Q. What did you do with it?—A. I could not say, as I do not pre-
:rve my letters or telegrams.
Q. Will you tell this committee what was in that letter or tele-
ram?—A. It was along the lines, he would be glad to meet me at
ie Southern Hotel in St. Louis, giving date and day.
Q. Did he say what for?—A. He did not.
Q. Did you comply with that request?—A. I did.
Q. And did you meet him at St. Louis?—A. I did.
Q. Where?—A. At the Southern Hotel.
Q. Just tell the committee what transpired; you went to the
otel first, did you?—A. Yes, sir.
Q. Did you go to the clerk at the desk?—A. Not that I recollect of.
Q. How did you ascertain where his room was?—A. I met him
1 the lobby.
Q. Yes. Was anybody with him when you met him?—A. There
;as not.
Q. Did you from there go up to his room?—A. I went to his
oom.
Q. Was that the first or second time that you had met Mr. Wilson
n St. Louis?—A. That was the first time that year.
Q. Yes, sir. You did not meet him prior to that time?—A. No,
ir; and the only time.

Q. Did you receive a request from any other member of the legislature to meet you at St. Louis after the adjournment of the joint assembly and prior to the time you met Mr. Wilson in July at St. Louis?—A. I did not.

Q. You did not go to St. Louis to meet any other member of the legislature?—A. I did not.

Q. Did you receive a request, either oral or in writing, from any other member of the legislature during the time you have just indicated at any other place than St. Louis?—A. I did not.

Q. Now, Mr. Clark, when you went to the Southern Hotel, and met Mr. Wilson, you went up to his room, I understood you to-day?—A. Yes.

Q. When you went to his room, who did you meet?—A. I do not remember whether there was anybody in the room just when we went in or not, but I do remember there were several in the room on or about that time.

Q. Yes, sir. Were you the first one to come in with Mr. Wilson, or were there others there when you got there?—A. I don't remember whether there was any other person in the room when I got there or not.

Q. What transpired while you were in the room?—A. We sat there and talked.

Q. Yes, sir.—A. Several of us. I did not stay there but a little bit.

Q. Did Mr. Wilson join in the conversation?—A. He did.

Q. Did anyone leave the room while you were there?—A. I don't remember.

Q. Will you state to the committee what sort of a room it was?—A. It was a large, commodious room.

Q. Was there a room adjoining it?—A. I believe there was.

Q. What?—A. I could not say what.

Q. You never saw it?—A. I saw it as I would see a room here.

Q. What did you see?—A. I saw an opening.

Q. You did not see what sort of a room that was?—A. No, sir.

Q. You do not know whether or not it was a bathroom?—A. I do not know whether it was a bathroom; I had my presumption.

Q. What was your presumption?—A. That it might be a bathroom or lavatory.

Q. Now, Mr. Clark, did you or anyone else go into the bathroom while you were there?—A. I did not go in the bathroom.

Q. Did you see anyone else go in?—A. I have no recollection of seeing anybody else go into the bathroom.

Q. Did you have any talk with anyone with reference to why you were called to St. Louis?—A. No, sir.

Q. Did Mr. Wilson tell you why he wanted you to come to St. Louis to meet him?—A. We had a talk there.

Q. No; did Mr. Wilson tell you why he wanted you to come to St. Louis to meet him?—A. I believe he talked something along the line of giving a banquet.

Q. Mr. Clark, did Mr. Wilson tell you why he had written you to meet him in St. Louis.—A. No, sir.

Q. Did you ask him why he had written you or for the reason that he had written you to come to St. Louis to meet him?—A. I do not remember that I did.

Q. Now, Mr. Clark, you remember what is now referred to as the White exposure" or confession; do you remember that?—A. Yes, ir.

Q. Shortly after that did you have a communication with Beckeieyer over the long-distance telephone?—A. Yes, sir.

Q. Did you, pursuant or after that talk, meet him at any place?—. Yes, sir.

Q. Where?—A. No; not after that.

Q. Well, was not an appointment made with you or by you to ieet him at Centralia, over the telephone?—A. Yes, sir.

Q. Did you meet him at Centralia?—A. I did. He asked me to ieet him at Carlyle.

Q. Yes, sir.—A. I told him I could not; that I had business in 'entralia, and said I would be going to Centralia.

Q. Yes, sir; that is the fact, is it?—A. Yes, sir.

Q. And did you meet him at Centralia?—A. He got on the train t Sandoval and we went together to Centralia.

Q. What business did you have at Centralia that next day?—A. Vell, I went down to see a friend of mine.

Q. Who was it?—A. Joe Diamond we call him.

Q. You called him?—A. A saloon keeper.

Q. That is who you went down to see?—A. Yes, sir.

Q. Now, isn't it a fact in that telegraphic meeting the place was xed at Centralia, because Magnon's boy or Mackdam's boy was to e buried in Centralia that day; wasn't that the fact?—A. Mr. eckemeyer told me he was going to Centralia to a funeral.

Q. Yes, sir.—A. Over the phone.

Q. And he told you whose funeral, did he not?—A. I presume iat he did, but I do not recollect that.

Q. He told you that he was going to Centralia to this funeral?—. Yes, sir.

Q. And then you told him you had business in Centralia, did ou?—A. I told him I was going to Centralia; yes, sir.

Q. You met Beckemeyer. What did Beckemeyer want you—want o see you about?—A. He asked me if I saw him at St. Louis at the outhern Hotel.

Q. Yes, sir.—A. I told him that I did not.

Q. What else?—A. I do not recollect.

Q. Did you say to him in substance in that conversation that all ie boys had to do was to be stiff and they would get out of it all ght?—A. I did not.

Q. Or anything to that effect?—A. I did not.

Q. Did you say to him, "You have got your one thousand, and I ive got my thousand, but there is no way of anyone proving it?"—. I never said it.

Q. Very well, sir; you have answered it. Did you say to him, "I ot my thousand; it is for voting for Mr. Lorimer, as you got yours; id if the boys will only keep a stiff back, they never will be able to rove anything," or words to that effect?—A. I never said it.

Q. When you got to Springfield, after your talk—when did you o to Springfield after your talk with Joe Clark—with Beckemeyer Centralia?—A. Well——

Q. Didn't you go a day or two afterwards?—A. A few days afterards.

Q. Didn't you go in response to a message that you received from Wilson?—A. No, sir.

Q. Did you meet Wilson there?—A. I did.

Q. Did you meet Mr. Wilson?—A. I did.

Q. That is, Robert E. Wilson?—A. Robert E. Wilson.

Q. The same Mr. Wilson who wrote you the letter to meet him at St. Louis?—A. Yes, sir.

Q. Didn't you have a talk with Robert E. Wilson at Springfield?—A. About three minutes.

Q. Did you go out then to see Morris?—A. I did.

Q. Morris was a Democratic member of the legislature?—A. Yes, sir.

Q. Did you see Beckemeyer there that day that you saw Wilson?—A. I did not.

Q. At no time?—A. At no time.

Q. You were in an automobile, weren't you?—A. Yes, sir.

Q. And went out to Morris's place in an automobile?—A. I did. The boy at the hotel had an automobile and asked me if I did not want to take a ride. I got in it and we rode up around the park, and I told him I wanted to be let off at—when we come back to town—at the Perrick Building, where Mr. Morris's place was. He is secretary of the United Mine Workers.

Q. You went out to see Morris?—A. I went up in his room.

Q. Yes, sir. Now, didn't you on that occasion say to Beckemeyer, on that occasion, in substance, that you were going out to Morris to stiffen the boys up?—A. I didn't see Beckemeyer.

Q. And did you say that to Mr. Wilson, or anything in substance to that effect?—A. I did not.

Q. Did Mr. Wilson say anything to you in reference to why he was down in Springfield on that day?—A. He never mentioned why he was there, only said he was on his way to Peoria.

Q. And you were not concerned?—A. I was not concerned.

Q. And you were not concerned in the entire disclosure in any way?—A. I do not know. I told Mr. Wilson about Mr. White and Mr. Tierney being at my town.

Q. Anything else?—A. His answer was: "There is nothing to it."

Q. That is all, is it?—A. That was about all he said that I recollect.

Q. Any further discussion on the subject at all?—A. No further discussion.

Q. You did not meet him or know—you did not know he was going to be there?—A. I did not know that he was going to be there. I was eating breakfast at the hotel.

Q. You have answered you did not know he was going to be there. Now, Mr. Clark, did anyone else who was in that room in St. Louis on the 15th day of July ask you or tell you why—if they had been summoned there by Mr. Wilson?—A. They did not.

Q. And did you inquire?—A. I did not.

Q. Did Wilson say anything why others had not come down?—A. He did not to me.

Q. Did he tell you or in your presence say that Browne had been attacked with ptomaine poisoning and had been unable to come?—A. I do not recollect it.

Q. Will you say that he did not so state?—A. I will not say that he did not say that, but I do not recollect it.

Q. After you left St. Louis and went home, did you get a letter from Browne?—A. No, sir; not that I recollect of.

Q. Didn't you get a letter from Browne, in which he said to you that he was sorry that he could not meet you at St. Louis, and that he had been taken sick and was unable to come by reason of an attack of ptomaine poisoning?—A. I might have got one; I don't recollect it now.

Q. Will you say that you did not get one?—A. I will not say that I did not get one; I might have gotten one.

Q. Did you inquire after Browne when you saw Wilson?—A. Not that I recollect of.

Q. You heard no talk or discussion among the members of the joint assembly or the members of the house with reference to the election of Mr. Lorimer, did you, until a day or two—until the day of or a day or two prior to May 26?

Judge HANECY. Will you pardon me, I did not get the first part?

Mr. AUSTRIAN. Read the question.

(Question read.)

A. I think I heard talk possibly a week before that; a week before.

Q. But you never engaged in any discussion with anyone on that subject, did you?—A. Not that I remember of.

Q. Well, you have testified on the subject a number of times, haven't you?—A. I do not know that I have a number of times. I was before the grand jury in the county of Cook.

Q. You were before the grand jury in Sangamon County, were you not?—A. I was not.

Q. Oh, are you under indictment in Sangamon County?—A. I am. I am not responsible for it.

Q. And you are under indictment by reason of some charge of a furniture deal, are you not? Is that right?—A. I believe so.

Q. You know, don't you?—A. Yes, sir.

Senator GAMBLE. Is he indicted generally with——

Mr. AUSTRIAN. Pemberton.

Judge HANECY. Was it on the same deal?

Mr. AUSTRIAN. No; the furniture deal.

Judge HANECY. Pemberton and Clark.

Senator GAMBLE. Well, it does not matter.

Mr. AUSTRIAN. It is the matter referred to in the Holstlaw confession.

Judge HANECY. That is what they were trying to get a confession from Holstlaw on. He was on the committee that Mr. Clark was on.

The WITNESS. Yes.

Senator GAMBLE. I was anxious to know; I recall that.

Mr. AUSTRIAN. I do not know what they were trying to get a confession on.

Judge HANECY. That is what the whole confession was, except two or three lines, the furniture deal.

Mr. AUSTRIAN. The committee has the confession before them.

Judge HANECY. But this identifies it.

Q. Mr. Clark, you didn't receive a package did you, in the hotel, of any kind?—A. I did not.

Q. How long were you there?—A. I was in the room with Mr. Wilson and others, perhaps, ten minutes.

Q. And then you left and went back home?—A. I left, went downstairs, and stayed in the lobby of the hotel a little while and went home.

Q. Tell the committee, if you please, all about the discussion of the banquet.—A. We had wo discussions or two factions in our Democratic party; one was known as the Browne faction and the other the Tippit faction, numbering 25 or 26 on the Tippit side and about 37 on the Browne side. The Tippit side gave a banquet to their leader a few days before the adjournment of the legislature, and there was some talk among our side, the Browne side, of giving a banquet to Lee O'Neil Browne, the same as the other side had given, and it was undecided where to hold that banquet, whether at Springfield or Ottawa.

Q. Now, will you tell the committee what the discussion was at that meeting with reference to this banquet? That is what I am asking.—A. With reference to this banquet?

Q. I am asking you to tell what was said at that meeting in this hotel on July 15.—A. Well, Mr. Wilson asked me what I thought of the banquet and where it should be held, and I said, in view of the fact that the legislature had adjourned, no good could be accomplished by a banquet, and I for one was opposed to a banquet.

Q. That was the whole conversation was it?—A. That was my version of it.

Q. Who else joined in the banquet discussion, if anyone?—A. I do not know.

Q. Did anyone else join in the banquet discussion?—A. I do not know.

Q. You were there weren't you?—A. I was there while this conversation was going on with Mr. Wilson.

Q. And it was between you and Wilson?—A. Mr. Wilson and I talked as I have quoted.

Q. And you were there the entire time; you were, say, less than ten minutes?—A. The entire time I was in the room was less than ten minutes.

Q. When you came there, did Mr. Wilson send for you for the purpose of the discussion of the banquet with Browne?—A. I do not know that he did.

Q. Did he at any time say that he sent to you or for you at your home town to come to St. Louis to meet him to arrange for a banquet for Browne?—A. He wrote me a letter to arrange for a banquet.

Q. Now, tell us about that letter; when did you get that letter?—A. I could not say.

Q. Was it before or after?—A. I do not recollect.

Q. You do not?—A. No.

Q. Then, the only object so far as you can tell this committee at this time, of your meeting Wilson in St. Louis on the 15th of July with the various Democratic members of the house, whose names you have detailed, was the conversation which you have just narrated; is that true?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Are you through, Mr. Austrian?

Mr. AUSTRIAN. Yes.

Examination by Judge HANECY:

Q. Mr. Clark, Ottawa is the home of Lee O'Neill Browne?—A. Yes, sir.

Q. And that is one of the—was one of the supreme court general subdivisions; that is, the supreme court of this State used to meet here and at Springfield and at Mount Vernon at one time; that is one of the three places where the supreme court used to meet?

Mr. AUSTRIAN. Not in 1908.

Judge HANECY. No, no; back of that, before it was consolidated into one place.

Q. And that is one of the places that is reasonably accessible to go to and from by railroad, isn't it?—A. Yes, sir.

Q. That is, it is one of the three towns?—A. Yes, sir.

Q. Is there any place where the—I will withdraw that—is there any place that is more accessible for people in southern Illinois or south-central Illinois to meet than St. Louis, Mo.?—A. It is one of the most convenient places for southern and south-central Illinois people to meet, at St. Louis.

Q. And it is quite common, and has been for a great many years, for people in politics or who wanted to be in politics or think they are in politics or think they want to be in politics, in southern or south-central Illinois to go to St. Louis, isn't it?—A. Yes, sir.

Q. That has been the case for a great many years?—A. Yes, sir.

Q. The reason of that is because it has better railroad facilities for going to and getting away from than any other place?—A. Yes, sir.

Q. If you wanted to go from many places in southern or south central Illinois, you would have to go to St. Louis and there change to go to the place you wanted to go—a great many places that is true of?—A. Living where I do, I could not say, because I have got north and south and east and west.

Q. You live in Vandalia?—A. Yes, sir.

Q. That was the old state capital away back in 1837?—A. Yes, sir.

Q. But the railroad facilities there are not very great in getting—for people in southern Illinois to get to or for people in south central Illinois to get from and to?—A. No, sir.

Q. Did Mr. Wilson say to you that he wanted, either in the letter or at the time he met you in St. Louis—that he wanted you and some others to come together to consult and determine whether they should give a banquet to Lee O'Neill Browne, and if so, where?—A. Yes, sir.

Q. You voted for Senator Lorimer, did you, for United States Senator?—A. I did; yes, sir.

Q. You didn't vote for him for any money or for any other consideration except friendship or for the purpose of breaking the deadlock?—A. For the purpose of breaking the deadlock. I would have voted for Mr. Shurtleff as quick as I did for Mr. Lorimer.

Q. Did you vote for Mr. Shurtleff for speaker?—A. I did.

Q. And every Democrat in the House voted for Mr. Shurtleff except one?—A. Yes, sir.

Q. Mr. Shurtleff is and was a Republican?—A. Yes, sir.

Q. And Mr. Shurtleff had been elected speaker of the previous house and some other previous houses, probably as a Republican, hadn't he?—A. Yes, sir.

Q. There were a great many factions in that legislature and in that joint session, were there not—the one in which Senator Lorimer was elected?—A. Yes, sir.

Q. There were two factions, two main factions, in the Democratic party, weren't there?—A. Yes, sir.

Q. Known as the Tippit and the Browne factions?—A. Yes, sir.

Q. And there were a number of factions in the Republican party, weren't they?—A. Evidently two, at least.

Q. Well, weren't there more; isn't it true a little one of five or six or seven that came from the northwest part of Chicago, in which Mr. Hotchler and Mr. Fieldstack and some others acted in?—A. There appeared to be.

Q. And they acted separately from any other faction?—A. Yes sir.

Q. Then there was the Deneen faction?—A. The Band of Hope

Q. That was what they called the Band of Hope?—A. Yes, sir.

Q. Then there was the Shurtleff faction?—A. Yes, sir.

Q. And then there were some others that were not either Hotchler and Fieldstack factions that did not act generally with the Deneen or Shurtleff factions?—A. Yes, sir.

Q. There were a great many different men voted for during the last few weeks of the session prior to the election of Senator Lorimer weren't they?—A. Yes, sir.

Q. It was known as well as anything could be known at that time that it was not possible to elect Lawrence Stringer, the Democratic nominee for United States Senator?—A. It was a certainty that they could not elect him.

Q. It was known almost from the beginning there was not any chance to elect the Democratic nominee, Mr. Stringer, for Senator?—A. Yes, sir.

Q. And it was known for some weeks before the Senator was elected that none of the four candidates, Hopkins, Foss, Webster and Mason, could be elected at that session?—A. Yes, sir.

Q. And then everybody nearly on both sides, or nearly everybody on both sides, scattered their votes to people some of whom were known and some had never been heard of before in public?—A. Yes sir.

Q. The legislature had been in session continuously from early in January until some time in the first part of June, or up to the 28th?—A. Yes, sir.

Q. When Senator Lorimer was elected?—A. Yes, sir.

Q. Everybody was practically anxious to get away and get back to their homes or business or occupation, weren't they?—A. Yes, sir.

Q. And most of the members of the joint assembly were almost ready to vote for anybody for the purpose of breaking the deadlock and settling the Senatorship, weren't they?

Mr. AUSTRIAN. I object. How is it possible for him to know? I have no objection to his stating; but how is it possible for him to know what was in the minds of the other people?

Judge HANECY. It was generally talked of.

Mr. AUSTRIAN. Then I have no objection to him stating what he heard.

Judge HANECY. That is a fact; that was the general talk.

Mr. AUSTRIAN. I want that question passed on, Mr. Chairman.

Judge HANECY. I suppose the committee will determine what they will pass upon. I will change my question.

Q. That was the talk, wasn't it, generally?—A. I would like to have that question asked again.

Q. It was the general talk in Springfield for some considerable time before Senator Lorimer was elected, on the 28th of May, 1909, that the members of the joint session were anxious to break the deadlock and to elect someone United States Senator—almost anybody—and get back to their homes and occupation, wasn't it?

Mr. AUSTRIAN. Just a moment. I submit to the committee that I think the witness ought to testify.

Senator BURROWS. The witness may answer.

A. I can not say whether—with respect to their electing most anybody.

By Judge HANECY:

Q. Well, any prominent person.—A. I think a great many of the Democrats would have been glad to have voted with the Republicans to have elected Shurtleff.

Q. Was there any general discussion among Democrats about voting with the Republicans to elect Governor Deneen United States Senator?—A. I had heard such.

Q. And there was a general discussion among Democrats of electing other people, other Republicans, other than Shurtleff, or the then speaker of the house, or Governor Deneen, was there not?—A. I do not know that I heard of any until Mr. Lorimer's name was prominently mentioned.

Q. Mr. Lorimer was not a candidate in the early part of the session, or until a few days, or a short time before the 28th of May, was he?—A. I believe not.

Q. And it was the general talk there, was it, that Mr. Lorimer would not be a candidate and did not want it, but preferred to remain in the House of Representatives, because of his interest in the waterway or deep waterway?—A. Well, I do not recollect as to that.

Q. You do not recollect about that. I think you said you were never paid anything of any kind to vote for Senator Lorimer?—A. I never was.

Q. And you were never paid anything after the election of Senator Lorimer because you did vote for him, was you?—A. No, sir; I never was.

Q. You never received any valuable consideration of any kind either to vote for him or because you had voted for him?—A. No, sir; nor any promise.

Judge HANECY. That is all. Oh, pardon me, there is another question.

Q. It is a fact, isn't it, that the fight between the two Democratic parties, the Browne and Tippit factions, was kept up continuously after the Browne faction had succeeded in electing Mr. Browne leader, the fight had kept up all through the session, and afterwards?—A. Yes, sir.

Q. And it is a fact that the two factions, the Browne faction and part—many of them frequently, and the Tippit faction, met frequently separately and not together?—A. When they met they did not meet together.

Q. That is, the members of one faction did not go to the caucuses of the other?—A. No, sir.

Q. It is a fact, is it not, Mr. Clark, that all through southern Illinois there is more politics every day in the year, three hundred and sixty-five days in the year, than there is in the large cities in the northern part of the State?—A. Well, I couldn't answer that, not being very well posted.

Q. Well, politics are talked and they are discussed——A. (Interrupting.) That is a part of the living.

Q. That is true all through southern Illinois and south central Illinois?—A. Yes, sir.

Examination by Mr. AUSTRIAN:

Q. You want this committee to understand that in the letter to which you responded by going to St. Louis on the 15th day of July, that Wilson wrote you in regard to a banquet?—A. I do not remember whether I got a letter from Wilson to come to St. Louis or a telegram.

Q. That does not answer the question. You want this committee to understand that in the letter or telegram requesting you to meet Wilson in St. Louis and fix the Southern Hotel as the meeting place that anything was said about a banquet?—A. I do not recollect.

Q. Now, Mr. Clark, you had been in the legislature the previous session?—A. Yes, sir.

Q. Had you been paid any money for any legislation or voting for any legislation?

Judge HANECY. I object to that, if the committee please; I do not see how or why that this committee is concerned with what occurred at a previous session when Mr. Lorimer was not a candidate and was not elected. This is not a committee with power to investigate all matters.

Mr. AUSTRIAN. I will connect it up. I will bring it down to this very transaction. This is preliminary.

Senator BURROWS. What is your statement?

Mr. AUSTRIAN. That question will be followed by another question with reference to this transaction.

Senator BURROWS. Why is the previous question necessary?

Mr. AUSTRIAN. I will put it another way.

Q. Mr. Clark, did you receive a pay voucher or a voucher for compensation under an order of the legislature or the house belonging to Mr. Richard E. Powers?—A. Yes, sir.

Q. How much was that?—A. Six hundred; but I don't remember

Q. When did you receive it?—A. After the legislature adjourned

Q. In 1909?—A. I believe so.

Q. Is it not a fact that you told Mr. Beckemeyer that that was one of the ways you had for covering up the money that had been paid you by Mr. Wilson in St. Louis?—A. No, sir.

Q. Did you talk with Mr. Beckemeyer about the Powers money you had received under an order of the legislature to be transmitted by you to Mrs. Powers, the widow of Mr. Powers?—A. I have no recollection of having any conversation with him.

Q. Will you say you did not have such a conversation, or the substance of such a conversation?—A. I will say that I have no recollection of it.

Q. Now, is it not a fact that after the legislature adjourned you got seven hundred and some odd dollars, to be transmitted through you under an order of the legislature or a resolution of the legislature, to Mrs. Powers as back pay, funeral expenses, etc., of Mr. Powers, who was a member of the legislature and while such died?—A. I didn't get $700.

Q. What did you get?—A. I believe somewhere in the neighborhood of $600.

Q. What did you do with it?—A. I paid some expenses and took the balance to Mrs. Powers.

Q. Was the voucher paid out to you?—A. The voucher was made out to me.

Q. What did you do with the voucher?—A. I took it home and put it in the bank, I believe.

Q. In your account?—A. In my account.

Q. Didn't you tell Beckemeyer, in discussing with him the way to get rid of or cover up the money that you had received from Wilson, that you used the Powers money by depositing that check and having it go to your credit and took to Mrs. Powers the money that you had received from Wilson, or some part of it, or substantially that?—A. I did not.

Q. Nothing of that kind occurred?—A. Nothing of that kind occurred.

Q. Was there any occasion for you to discuss the Powers incident with Beckemeyer at all?—A. Not that I know of.

Q. Well, you never did, did you?—A. No, sir.

Q. Mr. Clark, did you ever have a talk with Mr. White on this subject of your voting for Mr. Lorimer?—A. Not that I recollect of.

Q. Will you say that you did not have a talk with Mr. White?—A. I will say that I do not recollect having any talk with him at all on the subject of Mr. Lorimer's election.

Q. Mr. Clark, did you not say to Mr. White, when he was there with a man by the name of Tierney or Turner—I think Tierney or Turner had left—didn't you say to Mr. White in substance, "What are they after, White; are they trying to get Lorimer?" or anything to that effect? Yes or no, please. Did you have any such talk?—A. No, sir.

Q. Didn't you say, "Well, I think they are about on the right track," or words to that effect?—A. No, sir.

Q. What was your talk with White?—A. Mr. White told me that he had made a confession to Governor Deneen, and that Lorimer was the man they were after.

Q. Anything else?—A. Not that I recollect of.

Q. Now then, since stating a few moments ago that you did not recollect of having any conversation with Mr. White, you recall now that you did have that conversation?—A. That was at Vandalia.

Q. That is the only talk you ever had with him?—A. I have talked with him since.

Q. Mr. Clark, you have talked with him since?—A. Yes, sir.

Q. There is a bank account that you have at the bank in Vandalia; have you any safety box?—A. I have not.

Q. Or safety vault?—A. I have not.

Q. And never have had, have you?—A. No, sir.

Q. At no time?—A. At no time.

Q. You deposited all the moneys that you got in your account in the bank?—A. Not always.

Q. Such a thing as a sum of money as $500 or $1,000 you would deposit?—A. I sometimes gave money to my wife and let her secrete it.

Q. Had she a bank account?—A. No, sir.

Q. Do you give her money as much as $500 or $1,000 to secrete?—A. No, sir.

Q. Did you ever give her that much?—A. I don't know that I gave her that much.

Q. Will you say you never have?—A. I never have.

Q. What is the largest amount you ever gave her in 1908 or 1909?

Judge HANECY. I submit, Mr. Chairman and gentlemen, that there are some things about a household of an individual that should not be made public, even though he has been a member of the legislature.

(Last question read by the stenographer.)

Mr. AUSTRIAN. To be secreted in the way you have indicated?

Senator BURROWS. He may state.

A. I can not.

Q. Mr. Clark, when you went down to Centralia you say to meet Joe Dunn, you attended the McAdam funeral?—A. No, sir.

Q. With Beckemeyer?—A. No, sir.

Q. Weren't you with Beckemeyer?—A. Possibly fifteen minutes.

Q. When you got down there, did you discuss anything about how you came down?—A. I don't remember that I did; I came down on the train.

Q. Did you discuss the advisability of your riding on your pass, and by that means they could trace whether you were in Centralia?—A. No, sir.

Q. No discussion about your pass at all?—A. No, sir.

Q. You did ride on a pass, didn't you?—A. I presume I did.

Senator HEYBURN. Did you receive any money from Mr. Wilson at any time for any purpose, at any place, during the year 1909?—A. I did not.

Q. Did you receive any money from Mr. Brown at any place or at any time for any purpose?—A. I did not.

Senator JOHNSTON. What time did you receive this money for Mr. Powers?—A. I think it was some time in June.

Q. In June?—A. Yes, sir.

Q. What time were you in St. Louis?—A. I don't remember, July or June; I don't remember; July I think.

Q. Before you went to St. Louis did you receive that money? Did you receive the Powers money before you went to St. Louis?—A. I didn't recollect whether before or after.

Q. How far do you live from St. Louis?—A. Sixty-eight miles?

Judge HANECY. The Powers money was paid to you under a resolution of the legislature, was it not?—A. Yes, sir; I was chairman of the committee to attend the funeral.

Q. Entirely public and a part of the record of the proceedings of the legislature?—A. Yes, sir.

Q. He had died and you were chairman of the committee and had charge of his funeral and burial?—A. Yes, sir.

Senator GAMBLE. You stated to Mr. Austrian on your direct examnation that no package was received by you or delivered by Wilson o you at the time you met in St. Louis?—A. Yes, sir.

Q. You were present with the other members of the legislature ıamed, were you, in his room? Did you see Mr. Wilson deliver any)ackage to any of the other members who were there present?—A. I lid not.

Q. Did you see him deliver any package, money, or any other thing o any of the members of the legislature there?—A. I did not.

Q. Did you hear any talk in your presence by Wilson. or by the)ther members of the legislature there present, in reference to noney?—A. I did not.

Q. Or the payment of money?—A. I did not.

Q. Now, another question. You stated at your home a few days)rior to the election of Senator Lorimer that you there made up your nind that you would vote for Mr. Lorimer?—A. Yes, sir.

Q. At whose suggestion, if anyone's, or with whom did you discuss he subject of your constituents there, and they advised you, or what vas the reason that you arrived at that conclusion?—A. Some of my losest associates are Democrats, whom I mingle with when I go ıome, and they said on previous occasions: "Why don't you fellows get together and elect Shurtleff?" That same question was put to ne a week before Lorimer's election. I says: "It seems to be impossible. They can't get Republican votes enough to elect Shurtleff." Ie didn't get over 15 or 18 votes, and the Democratic votes would ıot elect him. I says: "There is talk now of Lorimer being a promnent candidate." They says: "You vote for him; I would vote for ıim and beat Hopkins."

Q. That was the reason why you came to that determination?—A. Yes, sir.

Q. Was there any offer of money, or suggestion of money, or anyhing of value in case you would vote for Senator Lorimer, at this ime to which I refer, when these conversations were had at your ıome?—A. There was not.

Q. You say nothing of value——A. (Interrupting.) Nothing of 'alue.

Q. Mr. Clark, nothing was ever paid you as a consideration for 'our vote?—A. That is so.

Examined by Mr. AUSTRIAN:

Q. You were not ashamed of the fact that you had concluded to 'ote for Mr. Lorimer for United States Senator?—A. Not when it vas impossible to elect a Democrat.

Q. Then when you made up your mind a week or ten days before 'ou went home, on Friday before you went home, and heard these liscussions among your constituents, you did not disclose that to nyone, did you?—A. I don't know that I did.

Q. Didn't Browne come around with a red book, to see you, with he names of the members—the Democratic members of the state egislature—who were going to vote for Mr. Lorimer?—A. He never lid.

Q. He never showed it to you?—A. No, sir; I never saw it and ıever heard of it before.

Q. Browne didn't ask you to vote for Mr. Lorimer?—A. He never did.

Q. He was not interested apparently in whether or not you were going to vote for Mr. Lorimer?—A. I don't know whether he was or not.

Q. He did not, in checking up the members to ascertain whether or not they were going to vote for Lorimer, come near you?—A. I don't know whether he checked up the members or not.

Q. He didn't come near you, you know that?—A. He did not.

Q. No other Democratic members of the house came near you?—A. They did not.

Q. No Republican member of the house came near you?—A. They did not.

Q. Did you see there were a number flitting from one to another to ascertain how they were going to vote and whether or not they would not vote for Mr. Lorimer?—A. I might have seen men flitting at the time, but I had no idea what their mission was.

Q. They passed Joe Clark by?—A. Evidently, according to your assertion.

Q. I am asking you, did they pass Joe Clark by?—A. They must have.

Q. No one at any time asked you whether you would vote for Mr. Lorimer, and that subject was never discussed with you, and you never told anyone that you would or would not vote for William Lorimer?—A. It was never discussed with me, except at home with my own people.

Q. And you didn't tell them you would vote for Mr. Lorimer?—A. I did not.

Q. You didn't tell Browne you would?—A. Browne never asked me.

Q. You didn't tell any Republican or Democrat?—A. No, sir.

Q. Was anyone, so far as you know, surprised when Joe Clark voted for William Lorimer on the 26th day of May, sir?—A. What is that?

Q. Was anyone, so far as you know, surprised when Joe Clark voted for William Lorimer on the 26th day of May?—A. I may not be a judge of surprises.

Q. Were there any surprise announced by what took place—more applause—when you voted for him?—A. I think there was no more applause when I voted than when anyone else voted.

Q. There was a good deal of solicitation for votes for United States Senator around there, was there not?—A. Not that I know of; nobody solicited me.

Q. Where is your seat with reference to Browne's seat?—A. It was about three seats from him.

Q. Where?—A. I was within three seats of him.

Q. Back, or in front, or to one side, or where?—A. I was in front and to the left of him.

Q. About how many feet, 10 or 15 or 12?—A. It might have been 15 feet.

Q. During all of that, Mr. Clark, there was quite a good deal of excitement on that 26th of May before that?—A. There was while the vote was being taken.

Q. Was there not any excitement before?—A. None that I recollect of particularly.

Q. There is always more or less excitement in an assembly, going from one place to another, asking how you are going to vote, and things of that sort.—A. Not that I recollect of.

Q. There was no solicitation of your vote at the St. Nicholas Hotel the night before?—A. No, sir.

Q. No caucus had in your presence?—A. No, sir.

Q. Where did you live at Springfield?—A. The St. Nicholas Hotel.

Mr. AUSTRIAN. That is all.

Senator PAYNTER. Did anybody about Springfield have the reputation about selling members of the legislature when the members don't know anything about it—any such talk occur there?—A. Not that I know of.

Q. I have heard it said sometimes that there are people who sell Congressmen and Senators and members of the legislature without their knowing about it.—A. I never heard anything.

Q. I don't know Mr. Wilson at all, but assuming that Mr. Wilson a wealthy man or that this money had been given to him, and he anted to make a show of distributing it, would he invite you down here and talk to you about something else and let you go away?—A. don't know.

Q. You don't know whether the banker who was here yesterday ould have been treated that way or not?—A. I don't know.

Senator PAYNTER. I don't know; I was speculating a little.

By Judge HANECY:

Q. Mr. Wilson was a reputable member of the legislature?—A. es. sir; and apparently a perfect gentleman.

Q. He was a Democrat?—A. Yes, sir.

Q. Had been elected more than once, had he?—A. Yes, sir; that as his second session, I think.

Q. This is the same Wilson who had been nominated by the direct rimaries in his own district?—A. Yes, sir.

Q. That was on the 15th of last month?—A. Yes, sir.

Senator FRAZIER. Did you state what business you were engaged ?—A. Well, I am police magistrate in my own city and I have been the lumber business for several years.

Q. Did Mr. Wilson make any explanation to you when you met m in St. Louis on the 15th of July in response to his letter or telegram, as to why he wanted you to meet him there?—A. Only in reference to this banquet; he wanted to talk it over with me.

Q. Did he say that was the reason he had written you to come to . Louis?—A. Yes, sir.

Q. He gave an explanation of that as a reason why he wanted you meet him there?—A. Yes, sir.

Q. Did you see Mr. Wilson take any other members of the legislare who were there in his room on that day into the bathroom?—A. did not, that I recollect of.

Q. You didn't go in there?—A. No, sir; I did not.

Mr. AUSTRIAN. I would like to ask one more question.

Q. Mr. Clark, when you were first asked if Wilson told you why he d written you or telegraphed you to some to St. Louis, did you or

did you not say that he answered for the purpose of talking over the banquet for Browne?

(Question read by the stenographer.)

Senator BURROWS. Let the witness answer.

A. Well, I had a letter and we had some talk in Springfield about the time of the adjournment with reference to this banquet, and that banquet was talked about at that time at that meeting that day. I don't know, I don't recollect whether the question was asked, whether the question was made to anyone that that was the purpose of the meeting, but I presumed that it was. It was the understanding at Springfield that we would meet after the session and determine on a place and fix the date.

Q. Did you not testify on direct examination that you had no idea what Wilson asked you to come for, he didn't tell you, and you didn't ask, but that during the course of the interview you discussed something about a banquet?—A. Yes, sir.

Q. Was not that your testimony?—A. We discussed something about the banquet.

Q. Didn't you say you didn't ask Wilson why he sent for you and that he didn't tell you why he sent for you?—A. I didn't ask because I had already known that we would meet at some time.

Q. He didn't tell you why he had sent for you, did he?—A. I don't know whether he brought that out in his conversation or not.

Senator BURROWS. Will counsel want this witness again?

Mr. AUSTRIAN. No, Mr. Chairman; I am through with him.

Senator BURROWS. You will remain, Mr. Clark, until you are discharged by the committee.

Judge HANECY. I will not call him unless they put in some evidence that will attack his testimony.

Mr. AUSTRIAN. I will say to you we will, but it will not be to-day

J. M. E. W. Wayman, called as a witness herein, having been first duly sworn by Senator Burrows, testified as follows:

Direct examination by Mr. AUSTRIAN:

Q. What is your full name?—A. J. M. E. W. Wayman.

Q. What position do you occupy?—A. State's attorney at Cook County.

Q. How long have you been state's attorney?—A. Since December 7, 1908.

Q. When were you admitted to the bar?—A. In 1899.

Q. Since that time have you been engaged in the practice of law?—A. Continuously.

Q. In the city of Chicago?—A. Yes, sir.

Q. I direct your attention to the date on or about the 4th day of May, 1909. Was there a special grand jury convened in Cook County, Ill.?—A. It was convened on the 2d of May, and was in session at that time.

Q. During the course of conducting the grand jury did you talk with certain witnesses there appearing before the grand jury, whose names I will now mention. Michael Link?—A. Yes, sir.

Q. Charles A. White?—A. Yes, sir.

Q. H. J. C. Beckemeyer?—A. Yes, sir.

Q. Henry A. Shephard?—A. Yes, sir; I will answer yes that is, although I have no acquaintance outside of examining him before the grand jury.

Q. The talks you had with all of them except White was the same vas it not, the talks you had with them at the time or about the ime they were examined?—A. All except Shephard; I talked outside f the jury room with Shepherd, and went in the jury room when I xamined him before the grand jury.

Q. Mr. Wayman, during the course of your investigation, was Mr. Link called before the grand jury?—A. Yes, sir.

Q. With reference to what matter?—A. With reference to the investigation then being carried on before the grand jury involving corruption generally in the legislature, and the specific charge of the bribery of Charles A. White by Lee O'Neil Browne in Chicago, Cook County.

Q. Mr. Wayman, was Mr. Link interrogated with reference to whether or not he had been in St. Louis during the month of July, 1909?—A. He was.

Q. Did he respond to that before the grand jury?—A. Yes, sir.

Q. Did he respond to that interrogation?—A. Yes, sir; he did.

Q. What did he state?—A. He said he hadn't been there.

Senator Frazier. He admitted he swore falsely about it, why go into it?

Judge Hanecy. I would object to proof of this kind, but I presumed the committee didn't want me to do it, because they let everything in.

Mr. Austrian. I will abandon that.

Q. Will you state what, if any, action was taken with reference to Mr. Link, with reference to placing him in the custody of an officer?—A. On either May 4, which was Thursday, I think—Thursday May 5, he was placed in the custody of an officer at 12.30 o'clock noon.

Q. Will you proceed and tell the committee what transpired thereafter, with reference to his being in the custody of an officer?—A. He was in the custody of an officer until the following evening at 5—he was in the custody of an officer until the following Saturday morning.

Q. By being in the custody of an officer, will you state to the committee what that is?

Judge Hanecy. I will object to that. The state's attorney didn't go around with him, and he can't tell what somebody else did.

Q. State what, if any, directions were given with reference to that custody?—A. No directions given by me at all.

Q. By whom were they given?—A. The foreman of the grand jury followed my advice and instructions and placed Mr. Link in the custody of an officer after the discussion in the grand jury room, except one or two to be followed, they were placed in the custody of an officer to be kept within the jurisdiction of the court until indictments could be prepared by my office, as the grand jury at that time were ready to vote or I would have to proceed and file a complaint in court, and take him into custody and put him in jail. We discussed both, and I advised the former and that was agreed upon by the grand jury, and Mr. Link was called before the grand jury and was instructed by the foreman that he was placed in the custody of an officer to be returned at 2 o'clock.

Q. Did Mr. Link return?—A. Yes, sir.

Q. Did you have any communication with him?—A. Yes, sir; I had two communications with him after he testified before the grand jury the first time.

Q. With reference to his custody?—A. I had no conversation with reference to his custody, after Saturday, when Mr. Link was no longer in custody, and the indictment had been nollied against him on Saturday morning, when an officer accompanied him to his home at Mitchell.

Q. What talk or discussion did you have with him, personally, as to his being in the custody of an officer while in the city of Chicago?—A. I had no discussion at all Friday evening at that time, but Saturday, I did as to what would be done with reference to the case in which an indictment had been returned. After nolle prossing the case Saturday morning, it was again discussed, and Mr. Link wanted an officer to go with him to the train, and then he wanted an officer to go with him clear home, and after discussing that between us, we agreed that would be wise, and the reasons there stated between us, was that we didn't want anybody to interview Mr. Link or talk with him upon this subject, and I stated that to Mr. Link. Mr. Link expressed himself as being very desirous that no newspaper men was to be allowed to interview him, but all be kept away from him.

Judge HANECY. I submit that this is not proper. He is simply stating what Link said, and while this witness is state's attorney, he is here as a witness simple and upon the pay roll as any other witness is.

Senator BURROWS. What did Mr. Link say?—A. What I have stated, as near as I could, not verbatim, but to put it in the first person, it would be, "I don't want the newspaper men to bother me, nobody to bother me until I am through with this thing. I want to go home and I want you to see that I get to the train in a cab." I says, "I will see to that, and it would be a good idea for the officer to accompany you to Mitchell, and stay with you a few days until the excitement blows over, and I said then, if anybody attempts to approach you, you have somebody who can protect you, because I don't want you to talk with anybody, and in the next place, as Mr. Link said, if any violence is attempted, he would have somebody at least who could get protection for him. While Mr. O'Keefe would have no jurisdiction in that county, I thought it would be well to have him there with him for a while," and Link agreed to that, and said "All right, O'Keefe, come on," and he took him in a cab to the train and went home with him.

Q. How long did O'Keefe remain there?—A. That, I can not speak accurately, but I think, perhaps, not later than the 15th of February.

Q. After Link went away did you receive any message from him?—A. Yes, sir.

Q. In writing?—A. Yes, sir.

Q. Can you produce them?—A. Yes, sir.

(Witness here produced a number of papers.)

Q. Will you read them to the committee, please, in their chronological order?

Senator GAMBLE. What is the purpose?

Mr. AUSTRIAN. I want the committee to know what this purported third degree is.

Senator GAMBLE. Was there any evidence given by Mr. Link that ndicated duress?

Mr. AUSTRIAN. There is nothing in this record of that.

Senator GAMBLE. There was an attack by the witness upon the tate attorney's office. If we are here to try that——

Mr. AUSTRIAN. You are not here for that purpose, if you will ardon me, but hour after hour is spent by counsel in the examination f every one of these four men to show the terrible third degree they ere put in, and I want to show the surrounding circumstances under hich they did testify. Two-thirds of the examination of each one f those witnesses was directly upon that point, and it is only fair o the state's attorney.

Senator GAMBLE. It is all right if that is the purpose.

Mr. AUSTRIAN. The statement was made by Senator Heyburn in eference to some proceedings by another committee of the United tates Senate.

Senator HEYBURN. I do not understand your reference.

Mr. AUSTRIAN. I think you stated this committee had no power to nvestigate such proceedings. I mean Senator Gamble, pardon me.

Senator GAMBLE. I recollect; yes, sir.

Mr. AUSTRIAN. I think Senator Gamble said something upon the ubject himself.

Senator GAMBLE. I think I did. I took the opportunity to make he suggestion that there was a special committee constituted by a esolution in the United States Senate to investigate the composition f the third degree. I doubt whether, as this is not a federal matter, could apply to this. That was purely a side remark.

Mr. AUSTRIAN. You will remember that occurred at a time when e were talking of the third-degree methods.

Judge HANECY. If everything that counsel states is true, they can ot show this except by way of rebuttal, and they have not yet closed eir case. This committee is precluded from going into any mat- rs of rebuttal, and I do not know why an exception should be made this particular witness. He is here on the pay roll, and will be ere in all probability, and he can be called some other time as well s now if rebuttal is necessary.

Mr. AUSTRIAN. This record teems with statements made by wit- esses of the outrages and hardships they had to undergo. Hour fter hour was spent by counsel on the other side cross-examining itnesses as to where they went and what was said and where they ere taken; that they were taken to Indiana, Michigan, Wisconsin, nd I think I ought to have an opportunity to put this evidence in.

Senator GAMBLE. In regard to the witness, Link, was there any laim made by him upon the witness stand that any influence was laced upon him by the district attorney's office that caused him to l an untruth.

Mr. AUSTRIAN. It caused him to tell the truth.

Senator GAMBLER. Was there any claim by the witness, Holtslaw, hat he was coerced into making wrong statements.?

Mr. AUSTRIAN. No, sir.

Senator GAMBLE. Was there any statements made to the witness, hephard, that he was coerced into making false statements?

Mr. AUSTRIAN. No, sir.

Senator GAMBLE. There has been an attack by these witnesses upon the state's attorney's office; for that purpose that would be for the committee to determine.

Mr. AUSTRIAN. If the committee would strike out all the evidence about their being in custody and the so-called third degree, I would not ask to put in this evidence, but if it remains in the record I think the explanation should be there, too.

Judge HANECY. We are not investigating the state's attorney's office.

Senator BURROWS. Are those communications from Mr. Link?

The WITNESS. Yes, sir; with reference to going to Springfield and testifying there?

Senator BURROWS. Are they all from him?

The WITNESS. Yes, sir; his messages to me and my replies.

Senator BURROWS. You may read them.

[Exhibit 1–I, H. F. L., 10/1/10.]

On Western Union Telegraph Company blank.

20CH IX A5 19Collect. Phone: Central 6882, Kinzie St., Chicago

MITCHELL, ILLS., *May 9th, 1910.*

JOHN E. WAYMAN,
States Atty., Cook County, Chgo.:

Madison County sheriff served a subpœna on me to appear before the Sangamon County grand jury to-day. Answer.

M. S. LINK.

10.33 a. m.

[Exhibit 1–J, K. F. L., 10/1/10.]

Western Union Telegraph Company blank.

(Charge to state's atty.'s office.)

CHICAGO, *May 9, 1910.*

Mr. M. S. LINK, *Mitchell, Ill.*

I have your wire. My advice is to go up to Springfield, arriving there in the morning. Register at St. Nicholas Hotel, and I will have representative of this office meet you there and confer with State's Attorney Burke. After he confers with Burke, he will advise you what to do.

JOHN E. W. WAYMAN,
State's Atty., Cook County.

[Exhibit 1–J, K. F. L., 1/10/10.]

91 C IX A5 47 collect.

MITCHELL, ILLS., *May 12, 1910.*

JOHN E. W. WAYMAN, *States Atty.*

Burke, of Sangamon County, claims to have been here to-day, and notified Mrs. Link to have me appear at Springfield to-morrow morning; 5 newspapermen were with him. He left no legal papers or anything. I want to know whether it was Mr. Burke. Advise me.

M. S. LINK.

3.32 p. m.

[Exhibit 1–L, K. F. L., 1/10/10.]

(Charge to state's atty.'s office.)

CHICAGO, *May 12, 1910.*

Mr. M. S. LINK, *Mitchell, Ill.*

Mr. Wayman just telephoned me his message from you. Don't go until you hear from me. I do not believe it was Mr. Burke. If you get any service of any sort of paper upon you, wire me before going to Springfield, and I will advise you.

FRANK REID.

[Exhibit 1–M, K. F. L., 1/10/10.]

CH. IX. SN 40 Collect.

MITCHELL, ILL., *May 13, 1910.*

OHN E. WAYMAN,
State's Attorney, of Cook County:

Have just been subpœnaed by the sheriff of Sangamon County to appear be-ore the grand jury in Springfield instanter. Will be in Springfield on the linois Traction, 12.40 noon. Will go directly to Mr. Hatch's office.

M. S. LINK.

38 a. m.

The WITNESS. I made no reply to that. On both occasions when t Springfield Mr. Reid met him there at Mr. Hatch's office, formerly tate's attorney of Sangamon County. On the 12th of May I got his letter:

[Exhibit 1–N, K. F. L., 1/10/10.]

(Letter head forty-sixth general assembly, State of Illinois, house of representatives.)

MITCHELL, ILL., *5/12/10.*

on. JOHN E. W. WAYMAN, *Chicago, Ill.*

DEAR MR. WAYMAN: I have no room to keep Mr. O'Keefe at my home, and I romise you that I have no disposition to repudiate in any manner the testi-ony that I gave before the Cook County grand jury on last Saturday, May 7. I realize that you are a friend of mine and will depend on what you told me. And I shall not allow myself to be interviewed by anyone.

Yours, etc., M. S. LINK.

[Exhibit 1–O, K. F. L., 1/10/10.]

(Letter head forty-sixth general assembly, State of Illinois, house of representatives.)

MITCHELL, ILL., *7/2/10.*

[r. JOHN W. WAYMAN, *Chicago, Ill.*

DEAR MR. WAYMAN: Many thanks for your telegram notifying me to pay o attention to the subpœna for the 6th, but to come when notified by you. od, the Supreme Ruler, being my witness, will be in Chicago when notified by ou, as soon as the train can carry me.

This is very much my busy season of the year, as the harvest time is now on, nd you remember telling me that once upon a time you were a farmer, so I now you will have some consideration for your big farmer friend.

With kind regards, yours, etc.,

M. S. LINK.

[Exhibit 1–Q, K. F. L., 10/1/10.]

(Large envelope with the following matter on the upper left-hand orner):

Forty-Sixth General Assembly,
State of Illinois,
House of Representatives,
Clerk's Office.

Judge HANECY. I will withdraw my objection; let them go in.

Senator BURROWS. They will be admitted.

Q. Mr. Wayman, did Mr. Link at any time protest or object to ou or anyone, to your knowledge, as to any treatment he was ccorded or the company of any officer?—A. No.

Q. I will put the statement to you with reference to Mr. Becke-eyer?—A. No.

Q. You say that you only had one talk with Mr. Shephard and hat was in the grand-jury room?—A. That is all.

Q. Mr. Wayman, during your talks with Mr. Link, did he produce letter which purported to be signed by Robert E. Wilson?—A. Yes, sir.

Q. Will you produce it, please?

(Witness produces letter.)

Q. What is the date of it?—A. June 26, 1909.

Q. Will you state the conversation—I don't want the entire conversation, but just the conversation with reference to that letter between you and Link?—A. On Saturday after the indictment against Link was nolled, which, I believe, would be the 7th of May, I had a talk with him before he went before the grand jury in which he told me that he had received a letter signed by Bob Wilson subsequent to the day that a representative from my office called on him at Mitchell. He said the letter was a fake, and was dated back a year in order to give him some excuse for being in St. Louis July 15. I asked him whether he would deliver that letter to me and he said he would, and the next occasion that he came to Chicago he did deliver the letter to me, and this is the letter.

Mr. AUSTRIAN. I will offer it in evidence.

Judge HANECY. Let me see it.

The WITNESS. That is the envelope in which he handed it to me.

Judge HANECY. I don't know whether the word "Bob" was written by Mr. Wilson or not, but I have no objection to it.

Senator BURROWS. Read it.

(The letter reads as follows:)

[Exhibit 1–P, K. F. L., 10/1/10.]

(Letter head forty-sixth general assembly, State of Illinois house of representatives.)

CHICAGO, *June 26, 1909.*

Hon. M. S. LINK, *Mitchell, Ill.*

DEAR MIKE: Doctor Allison was speaking to me in regard to seeing some of the boys relative to giving Lee a banquet in his home town, Ottawa. I expect to be in St. Louis some time in the near future in connection with our submerged-land committee. As soon as I know just when I will be there, will wire you and if possible would like to meet you there. In the meantime should you come to Chicago, advise me in advance and I will meet you.

With best wishes to you, I am, yours, very truly, BOB.

The WITNESS. I will add in regard to the conversation, the statement made by Link with reference to the letter was made in answer to questions put to him by me on that Saturday morning.

Q. What were those questions?—A. I asked him whether or not he had received such a letter as Beckemeyer had received, as Beckemeyer had told me he had received such a letter, and that is what brought the information from Link.

Q. Did Beckemeyer tell you when he got such a letter?—A. He told me that he had received a letter subsequent to the day that Turner had called on him at Carlyle, and subsequent to the time he met Bob Wilson at Springfield, and that in the conversation at Springfield it was agreed that some such letter should be written to account for the meeting at St. Louis. Beckemeyer afterwards produced that letter, and I have got it at the office, but I could not lay my hand on it this morning. This was June 26, 1909, and the day Turner called on Link was about the 20th of April.

Q. What year?—A. 1910—this year. The envelope in which the letter was received by Link was not produced, and I have not been able to find out whether it is the same date as the Beckemeyer letter. This is the envelope in which Link handed it to me.

Q. This is a plain envelope?—A. Yes, sir.

Senator FRAZIER. When did Mr. Link say to you he had received his letter?—A. He said he received it after Turner had called on him.

Q. Did he say he had received it after he had met Wilson in St. Louis on the 15th of July?—A. Yes, sir.

Q. In April of the following year sometime?—A. Yes, sir; this year.

Examination by Judge HANECY:

Q. Frank Reed is an attorney in Chicago?—A. Yes, sir.

Q. And used to be assistant state's attorney at the home town of Mr. Hopkins?—A. Yes, sir.

Q. Formerly Senator Hopkins?—A. Yes, sir.

Q. You employed Mr. Reed to represent you and your office in relation to Mr. Link when Mr. Link was subpœnaed by the state's attorney of Sangamon County to come before the grand jury in that matter?—A. I did; but Mr. Reed refused to take pay for it. I think the bar understands that a retainer means something more than friendship.

Q. Do you think it would be necessary that there should be a money consideration with a retainer in order that it should be a retainer?—A. Certainly.

Mr. AUSTRIAN. I object.

Senator BURROWS. The witness may answer.

Judge HANECY. You did employ him?—A. Yes; put it your way, if you want to.

Q. To represent your office?—A. Yes, sir.

Q. In Springfield?—A. Yes, sir.

Q. Before the Sangamon County grand jury?—A. No; not that; not before the Sangamon County grand jury. I retained him to represent me and go to Springfield at that time and see Mr. Burke, and after confering with him, to advise Mr. Link what to do, as I had promised Mr. Link I would.

Q. You employed Mr. Reed as an attorney to represent you and to go to Springfield after Mr. Link had been subpœnaed by the state's attorney of Sangamon County to appear before the Sangamon County grand jury?—A. Yes, sir.

Q. You employed Mr. Reed to prevent Mr. Link from being taken before the Sangamon County grand jury, and examined there by the state's attorney and the Sangamon County grand jury?—A. No, sir.

Q. What did you employ him for?—A. I employed him in conformity with a promise that I had made to Link that if he was subpœnaed before the Sangamon County grand jury that I would see to it that he was treated fairly by Mr. Burke. Mr. Link was very much afraid that he would get into an indictment in Sangamon County or get into some trouble. I told him that I believed that Mr. Burke would treat him fairly, and that if Mr. Burke did subpœna him that I would advise with him, Mr. Burke, as to the situation in Cook County; that of course I did not want any conflict in jurisdiction; and I didn't want any row with Mr. Burke and myself; but that I did not know Mr. Burke, but that he and I would probably meet in a few days. I did not meet with Mr. Burke, and I had no opportunity of conferring with him when this matter came up, so I sent for Mr.

Reed, because I could not go myself, and I felt that I ought to have Mr. Reed go and see Mr. Burke, because he knew Mr. Burke, and he could talk to Mr. Burke better than I could myself if I had gone.

Q. And you wanted some official person to go and see Mr. Burke?—A. I wanted him to go and see him and talk to him, he who had been a state's attorney, and he knew the difficulties of the office; and he could advise with Mr. Burke.

Q. Were you afraid that the state's attorney, Mr. Burke, of Sangamon County, would not treat Mr. Link fairly when he was called as a witness before the grand jury in that county?—A. I was totally in the dark in the matter, but had determined to play safe, in accordance with my promise to Mr. Link.

Q. Why did you think it was necessary to employ an attorney to go down there to Sangamon County when Mr. Link was subpœnaed as a witness down there?

Mr. AUSTRIAN. What difference does it make? If you are going to argue with reference to the moving cause that prompted him to send him down there and find out the operations of his mind——

Judge HANECY. This is a state's attorney. This state's attorney put this man in the custody of an officer and kept him there, and tried to prevent him from appearing before the grand jury of another coordinate jurisdiction, to testify in relation to the matter, and he was under duress at the time that he was in the custody of that officer, and he would not let him go into another jurisdiction, coordinate with this jurisdiction here, and be examined, as they had a right to examine him before that state's attorney, and that grand jury, in relation to matters that they would like to know about—the alleged corruption in the legislature at Springfield—where, if there was any corruption, did take place, that the jurisdiction was there.

Senator GAMBLE. Suppose that all be true, Judge, what help would it be to this committee and what has it to do with the investigation of bribery and other matters connected with the election of Senator Lorimer, that we now have under investigation here? If the state's attorney of this county is to be subjected to criticism, or subjected to commendation, or if he is blameworthy, and his judgment was bad, why is this any place for it? It seems to me that it is entirely a collateral matter.

Judge HANECY. That is not my purpose. We have shown that the testimony of Link, Beckemeyer, and Holstlaw was given under duress. I am not asking this committee to comment or criticise on the administration of Mr. Wayman in his office, except in so far as the acts of Mr. Wayman in putting these witness in custody, contrary to law, and holding them there contrary to law, makes his office subject to criticism. I intend to show and I intend to argue, if I am permitted to, and ask this honorable committee, and those who may come after it, in dealing with this matter, to show that the testimony of Link, Beckemeyer, White, and Holstlaw is not truthful when they say that they obtained money; and I expect to show by this entire record that Link and Beckemeyer testified before the grand jury truthfully that they never got any money from Browne or Wilson, and after they did testify to that, then they went back again, under duress, and swore that they did get money, just to get out of the duress that they were in; and if they took that back again in this jurisdiction—if they swore differently in this jurisdiction—before

the statute of limitations barred it—that the state's attorney of this county—while he has no power—that unless they changed their mind he would have them indicted for perjury for the subsequent statement they had testified to the first time, and that they did not get any money from Browne or Wilson. I ask the privilege of calling some of these witnesses afterwards; I have asked that privilege and I was given that privilege. It may be that the time will come when they will tell the truth, as they told it under oath at the first session of the grand jury, when they were there. They did not get any money—they did not get any money from Browne or Wilson.

Senator PAYNTER. That is your statement, Judge. Can that be enlightening to us? You are not sworn. We must deal with the evidence given here.

Senator FRAZIER. I suggest, Mr. Chairman, that we proceed with the witness and receive his testimony.

Senator GAMBLE. I don't want to suggest too much as to the technical testimony, but I have views of my own, and in the order of the testimony it seems to me it would be a matter of defense.

Senator BURROWS. This is not a lawsuit. It is an inquiry. The committee can give to this testimony just such consideration as it thinks it is entitled to. Read the question.

(Question read.)

Judge HANECY. Before the grand jury?—A. My promise to Mr. Link was at that time, and I filled my promise—I fulfilled my promise to him. In the first place, I felt—it was my personal opinion that I should be represented there and confer with Mr. Burke and advise Mr. Burke as to whether or not there was to be any conflict as to jurisdiction between his office and mine, and to assure Mr. Burke there was no desire on my part to take any cases from him that properly belong to him, but that it was my purpose to prosecute every case that did come within my jurisdiction. Then, I wanted to keep faith with what I had told Mr. Link; that was the second ground; and that was to send somebody to go and talk to Mr. Burke and to advise Mr. Link—after advising with Mr. Burke to advise Link, and I thought that Mr. Reed was a good lawyer, and just as——

Judge HANECY. You did instruct Mr. Link not to testify before the Sangamon County grand jury, didn't you?—A. I never instructed Mr. Link in any way, shape, or form in the matter, except I told him that if the situation arose he would be advised at that time what to do. I did not advise him that he should not testify.

Q. Did you advise him not to testify?—A. I did not.

Q. Why did you suggest——A. I did not.

Q. Wait. Why did Mr. Reed, who was employed by you, suggest to Mr. Link that he should not testify?—A. From what developed after Mr. Reed got there, Mr. Link refused to testify before the grand jury and was let go and there was a contempt proceeding, and the court rules that he should answer the question and he did answer the question.

Q. Mr. Link refused to testify before the grand jury in Sangamon County in relation to the investigation of corruption by members of the legislature on the advice of Mr. Reed, who was employed by you, didn't he?—A. No, sir; Mr. Link never declined to testify on that proposition at all. There was but one question put to Mr. Link, and

that was a question over which a contest arose, and that question was whether or not Mr. Link had been promised any money or had received any money in Sangamon County for his vote for Lorimer. There was no question propounded to Mr. Link after that question was answered before the grand jury, and there was no attempt on the part of the state's attorney there interrogating Mr. Link with reference to any other matter. That was the situation exactly.

Q. Did Mr. Link refuse to answer that question?—A. I suppose that was the question. He did refuse to answer it on the advice of Mr. Reed.

Q. Reed was employed by you?—A. Certainly.

Q. Then he was taken before the judge of that court and was ordered by the judge to go before the grand jury and testify in answer to that question?—A. To answer that question; yes.

Q. Did he then go?—A. He did. I am not testifying now from personal knowledge, of course.

Q. What did he say?—A. I don't know.

Q. Don't you know that he said, "No, I did not?"—A. I suppose he said "No," because that is what he had told me.

Q. What is that?—A. I say, I suppose he said "No," because that is what he had told me, "No," to that question.

Q. He told—Reed, the man employed by you, told you that he answered "No?"—A. No.

Q. No, to what?—A. To that question.

Q. What was the question?—A. The question was—I am not exactly clear as to the form of the question, but it was either one of two forms: Whether he had been promised in Sangamon County any money for his vote for Lorimer, or had been given any money in Sangamon County. I am inclined to think that it was the first question.

Q. And he answered "No?"—A. I think so.

Q. And then he was interrogated further by the state's attorney before the grand jury, and he refused to answer, didn't he?—A. No; I am advised differently. My information is just the opposite. I was not there, of course, but I am informed from the same source of knowledge from which all of the information came—from Mr. Link, from reading the newspapers, and general sources of information—that there was but one question propounded by the state's attorney before the grand jury, and that was the only question propounded by the state's attorney before that grand jury, nothing except that one question. If there was any other question, I don't know it.

Q. Wasn't there an agreement between your representative, Mr. Reed, and the state's attorney there and the court, that the further examination of Mr. Link would be deferred at your request?—A. I don't know.

Q. Don't you know that?—A. No; I don't

Q. What, don't you know that?—A. No, sir.

Q. You knew at the time Mr. Link was subpœnaed by the state's attorney of Sangamon County——A. Yes.

Q. Wait a minute until I finish the question. You knew when Mr. Link was subpœnaed by the state's attorney to go before the grand jury of Sangamon County, that he was in the custody of your officer

at Mr. Link's home, didn't you?—A. No; I would not say he was in custody, because Mr. Link——

Q. Is it because you don't remember, or because you don't know?—A. Because Mr. Link, after they arrived at Mitchell, O'Keefe went with him, and then Mr. Link went to St. Louis and about the country as he pleased, and I would not regard it as custody, and neither did Mr. Link.

Q. Didn't you send one of your officers down there with Mr. Link, and wasn't he still with Mr. Link at the time Mr. Link was subpœnaed to go before the grand jury?—A. Yes; and some time after that.

Q. You sent your officer down there with Mr. Link when Mr. Link went to his home, and to the Sangamon County grand jury at Springfield?—A. Yes, sir.

Q. And your officer went with Mr. Link from the Sangamon County grand jury investigation at Springfield back to Mr. Link's home, didn't he?—A. I think he did.

Q. Then Mr. Link read the riot act to you, or what he called the riot act here?—A. Yes; if that letter is the riot act.

Q. And he insisted you had no right to keep him in custody?—A. No, sir; Mr. Link never said a word to me at all, excepting that letter I have produced here, and upon the receipt of that letter I telephoned to John O'Keefe to come home.

Q. What was the full name of the officer you sent?—A. John O'Keefe.

Q. John J. O'Keefe?—A. Yes.

Q. He was a regular police officer assigned to duty in your office?—A. Yes.

Mr. Austrian. Now, we have had that already three times.

Judge Hanecy. I want to identify him as being the same man.—A. Yes; the same man.

Q. And Turner, you have referred to, is the same man who is known as Tierny?—A. Yes.

Q. Didn't he go by the name of Tierny down through the State?—A. That is what I understand; yes, sir.

Q. He is the superintendent of the McGuire & White Detective Agency?—A. I do not know whether he is the superintendent or not. He is connected with the McGuire & White agency.

Q. He is not assigned to your office to duty?—A. No. McGuire & White were employed by me to send a man over. I didn't know Mr. White, but I referred——

Q. Did you ever employ White or the McGuire & White agency in these matters before you commenced the investigation of the story which was printed in the Tribune on the 30th of last April?—A. In these particular matters?

Q. Yes.—A. Yes. I had employed McGuire & White, I should think, thirty days prior to the edition of the Tribune of April 30, the date of that story being printed.

Q. That is, you employed him in this particular matter?—A. In that case only.

Q. But before that time McGuire & White Detective Agency had been employed by the Tribune?—A. I so understood from Mr. McGuire in his first conference with me; in that conference, when I

sought to employ him he said he had been employed by the Tribune. Then I said, "I will not employ you unless you will work exclusively and take instructions from me and be paid by me." He said, "I will let you know in about a half an hour or an hour and a half; I will have to see," and he did, and then he said, "All right; I have been released by the Chicago Tribune."

Q. Between the time you asked him to work exclusively for you and the time he gave that answer he had communicated with the Chicago Tribune and gotten permission to do so, hadn't he?—A. I don't know; I assumed he had.

Q. Well, it was——A. He told me in his first conference, when I first offered to employ him, that he could not accept employment without consulting the Tribune, who had already employed him to do some little work in it; not so very much, though.

Q. How long had you been investigating the alleged story of White before the publication of the story on the 30th of April?—A. I would say—I could answer that better by telling you exactly when I first received——

Q. Can't you tell it by the calendar?—A. Yes. All right. I will say, investigating it—if you will cover by that everything I did with reference to the case, I might say I began investigating it about the 25th day of March.

Q. You had been investigating the testimony more than a month before the publication?—A. Yes.

Q. Did you know how long the Tribune had been trying to find out something, or had been investigating it before that time?—A. What?

Q. I beg your pardon. Did you know how long the Tribune, through the McGuire & White agency, had been investigating or trying to find some facts in relation to it before you commenced on the 25th of March?—A. No. My judgment is very little because of the small amount of information that Mr McGuire had.

Q. Haven't you been—didn't you know they had been investigating it for more than a month?—A. No.

Q. You had no intimation of that kind?—A. No.

Q. Not at all?—A. No.

Q. From McGuire or anybody else?—A. No.

Q. When you employed McGuire on the 25th of March to investigate this matter, didn't you ask McGuire or somebody connected with his agency, that had to do with that matter, how long they had been investigating it before that?—A. No.

Q. Or what information they had?—A. Yes; I asked them what information they had at the time I employed McGuire, and he told me they had no information; and that is what I based my judgment on, that he had not been employed very long.

Q. So that at the time you started in to make your investigation, on or about the 25th of March, you were told by a representative of the Tribune, the McGuire & White agency, that they had no evidence whatever to substantiate White's story.—A. No; I was not told that.

Q. What were you told?—A. I was told that there had been no investigation made to any extent at all, because I asked Mr. McGuire what they knew about it, and he said, "We have done nothing toward investigating the manuscript of White at all."

Let me correct one thing. I don't believe that McGuire & White were hired as early as the 25th of March. My investigation started at that time. I had the matter myself for I should judge a week or ten days before I employed McGuire & White at that time, and I know there had been nothing of any importance done. What they had done I did not know.

Q. On the 25th of March you asked White——A. Now, Judge, I do not fix that absolutely as the 25th. It was a little bit before the 1st of April, I know, and I say around about the 25th of March.

Q. The 25th of April—of March, rather, you asked McGuire what information they had to sustain that story, didn't you?—A. Yes, sir.

Q. What did he tell you?—A. He told me they had made no investigation as to the evidence at all.

Q. And they had no information?—A. I would not be clear just exactly the way he put it.

Q. Well, I want what he said and what he meant.—A. Well, he said——

Q. Is that what he said?—A. No; but that they had some general information that they picked up; but there had been no investigation, nothing tangible.

Q. If there had been no investigation, then, of course, they had no information?—A. I don't know, Judge.

Q. You were asking that for the purpose of ascertaining or for guiding you in what way to proceed in your investigation?—A. Certainly; yes.

Q. What officers had you in your office, what officers of the city of Chicago assigned to your office, had you during the time of these investigations?—A. Officer O'Keefe, Officer Kealy, Officer Muriam, Officers Kerr, Oakey, and Murphy.

Q. Each one was a city police officer?—A. Yes, sir; assigned to my office.

Q. Assigned to the duty of police in your office, assigned by the police department?—A. Yes; employed to do whatever I asked them to do in the way of performing the duties of the office.

Q. You called a special grand jury, I think you said?—A. The court did on my petition.

Q. When was that?—A. The 29th day of April.

Q. That was the day the contract was signed between the Tribune and Charles A. White?—A. It subsequently so developed; I believe the contract so shows.

Q. That is the fact whether——A. The contract speaks for itself; I don't know.

Q. You were in almost constant communication with Mr. James Keeley, Mr. Alfred Austrian, Mr. Thomas McGuire, or some one or more of them in relation to these matters after the 25th of March, or about the 25th of March, weren't you?—A. When I commenced the investigation I was in constant communication with Mr. McGuire. I was not in constant communication or intermittent communication with Mr. Keeley; neither was I in any communication whatever to overcome this matter with Mr. Austrian; but Mr. McGuire was employed by me and taking orders from me every day.

Q. Had you never conferred with Mr. Keeley about it?—A. Yes; yes.

Q. How often?—A. Twice.

Q. And the rest of your conferences or communications in relation to the matter was through McGuire, their former detective?—A. There was no communication through Mr. McGuire. Mr. McGuire was working for me and he had no communication from me to the Tribune. If I wanted to communicate with Mr. Keeley, I would have communicated with him direct.

Q. Mr. Wayman, you personally prosecuted the two Browne cases?—A. Yes.

Q. During the trial of the second Browne case you called another special grand jury, didn't you?—A. I did.

Q. You indicted some of the witnesses who testified for the defense in that case immediately upon their testifying?—A. Judge Brentano called the jury and I presented the evidence, and the grand jury returned indictments against Gloss and Keeley, and those cases will be tried; they are pending, and those cases will be tried promptly.

Q. Thank you. Judge Brentano called the special grand jury at your request?—A. Certainly.

Q. How many indictments were returned by that special grand jury?

Mr. AUSTRIAN. What difference does it make?

Judge HANECY. I will say that I will show that they were only for the purpose of intimidating witnesses in the Browne case; that they had that effect; and that they brought in three indictments and they were only in session three or four days.

Mr. AUSTRIAN. Now, wait a minute.

Judge HANECY. That is right, isn't it, Mr. Wayman?—A. Well, Judge——

Mr. AUSTRIAN. Wait just a minute, Mr. Wayman.

Senator BURROWS. How many indictments were found?—A. Two, I think, against Gloss and Keeley.

Judge HANECY. They were two witnesses who had testified in the defense of Browne in the second Browne case?—A. Who, in my judgment, committed——

Senator BURROWS. Your judgment is not asked. Please answer the questions.

Judge HANECY. And you——

Senator BURROWS. Wait a moment, Judge. Mr. Wayman, when a question is asked you should answer it directly.—A. I will.

Senator BURROWS. Let your answer be direct and responsive to the question.—A. All right.

Judge HANECY. Mr. Gloss, whom you had indicted by that grand jury was a street-car conductor in the City Traction Company here——

Mr. AUSTRIAN. Just a minute.

Judge HANECY. And he was indicted——

Mr. AUSTRIAN. Wait a minute; wait a minute, please.

Judge HANECY. There is no question pending yet.

Mr. AUSTRIAN. Oh, yes: there is. There has been a question put. I desire to enter an objection to this line of examination.

Judge HANECY. There is no question put.

Mr. AUSTRIAN. Oh, yes; there is. Just read that question.

Judge HANECY. I haven't finished it.

Mr. AUSTRIAN. Read it.

(Question read.)

Senator BURROWS. Have you answered that question?
A VOICE. He nodded his head, "Yes."
The WITNESS. I have not answered it.
Senator BURROWS. Please answer it, then.
A. Yes.
Judge HANECY. And he was indicted because he and his wife estified that Otis Yarborough—Sidney Yarborough—who is said by White to be in White's room when Lee O'Neil Browne went hrough and took him out and asked him to vote for Mr. Lorimer, nd promised to pay him $1,000 if he did, or pay him something?—A. No.
Q. Wait a minute. And Gloss was called as a witness and testified that Sidney Yarborough was in Chicago on the night that White and Yarborough swore that Yarborough was in Springfield?—A. To the last question, or the last half of that question, rather, I will answer yes, and to the first, no.
Mr. AUSTRIAN. I want to know whether the committee has ruled?
Senator BURROWS. The witness has answered.
Judge HANECY. I am through, Mr. Chairman.
Senator BURROWS. Through?
Judge HANECY. Yes.
Senator BURROWS. Have you any further questions, Mr. Austrian?
Mr. AUSTRIAN. No.
Senator BURROWS. You may be excused Mr. Wayman. Mr. De Wolf desires to make a correction, the committee is advised.
Judge HANECY. There is just one question. I covered the Gloss matter and I wanted to know whether, after indictment by that special grand jury, was on a question put to Mr. Keeley—was not because of Mr. Keeley's testimony in the Browne case——
Mr. AUSTRIAN. Just a minute, Mr. Wayman.—A. What is that question. Read it—read it.
Judge HANECY. It was because of the testimony that the officer gave for the defense in the second Browne trial.—A. The charge of perjury arose out of that testimony.
Q. And the trial was still on at that time?
(No answer.)
Senator BURROWS. Mr. De Wolf, will you take the stand?

JOHN HENRY DE WOLF, recalled as a witness, testified as follows:

Senator BURROWS. Mr. De Wolf, I understood you to say that you desired to make some correction in your testimony?—A. Yes, sir.
Q. You may do so now.—A. Yesterday, when the gentleman asked me about some statements——
Q. A little louder.—A. I say, when the gentleman asked me about some statements at the closing time, about some statements I heretofore made to Mr. English or to Mr. Beckemeyer—I have the highest regard to those gentlemen now.
Mr. AUSTRIAN. I ask to have that stricken out. Let us have his correction.—A. All right, the correction is, I very often use the words, "from Missouri," and I might have said that I was from Missouri and they would have to show me. I might have made that statement. I am not positive about it, but my best recollection is I did not, gentlemen, but I wanted to make that correction.
Senator BURROWS. Is there any other correction?—A. There is.

Senator FRAZIER. In what connection did you use that expression, "show me?"—A. If I used that expression, and I often use it now, why I did not use it in the way of meaning that they would have to give me money or anything like that. They would have to show me the man, and that he suited me, and was all right, or something like that.

Senator FRAZIER. Was that in response to a question as to whether you should vote for Mr. Lorimer, or whether you would vote for him?—A. I don't think it was. I don't know that I made this statement at all, but it is something that I often use, "I am from Missouri, and they will have to show me," and if I did say so it was in a jocular way, and had no significance whatever in regard to money at all.

Senator FRAZIER. Did they, or either one of those gentlemen, discuss the question with you as to whether you would vote for Mr Lorimer?—A. I don't remember that they ever, either one of the gentlemen, ever spoke to me about it.

Q. How did you happen to use the expression, "Show me, I am from Missouri?"—A. I don't know; I might have used it—I often use it. Now, there is another correction.

Judge HANECY. There was a question by Mr. Austrian, and that is what I think it refers to if a certain thing was not said, and he said "No." Then, Mr. Austrian asked him, "Don't you think you said 'You have got to show me,'" and he said "No." Now, I assume that he wants to correct that by saying that possibly he may have said it.

Mr. AUSTRIAN. I object. Let the record show his own correction and not have the judge make it for him.

Senator BURROWS. Have you any other correction you desire to make?—A. I have a correction also, and I don't know what the record shows on that, but the gentleman asked me about paying $200 down on this piece of land. My recollection now is—and I don't know what the record shows—my best recollection is that I paid $600. I am not positive as to that, but that is my best recollection.

Now, I desire to say something else to this committee, and that is, I want to know if I may ask them a question?

Senator BURROWS. You may ask the question, but you may not get any answer.

The WITNESS. Has this committee got any men out looking up evidence in this case?

Senator BURROWS. We are charged by the Senate with the performance of a duty, and we are endeavoring to perform it.

Senator GAMBLE. I, for one of the committee, would like to know your purpose in asking the question.—A. Well, my purpose in asking the question is this: There was a gentleman drove up to my house the day before I was subpœnaed up here, out on the farm, and he said he was out in the interests of this senatorial committee. He took dinner at my house, and asked me about several things, and what I knew, and I think I stated to him as near as could be after asking him to stay to dinner—I stated to him what I have stated to the committee in regard to the election of Mr. Lorimer. He finally, standing by a walnut tree in my yard, said he would like to know of something that I could put him onto; something where he could go and get some evidence, and that they did not want something for noth

ng. What he meant by that I do not know. I saw the gentleman n town to-day. That is why I have made the statement.

Senator BURROWS. Is he in the room?—A. I don't know. He gave is name to me as Williams.

Senator BURROWS. And said he was acting under the direction of he committee?—A. He said he was acting under the direction of he committee. I don't want to be unfair; he may not have meant his committee. I don't know, but he said, "under the senatorial committee."

Judge HANECY. Where did you see him; you say you saw him in he city to-day?—A. I met him as I was coming over here to-day.

Q. Where?—A. I don't know the streets up here, but over that vay [pointing].

Q. Where was he stopping?—A. I don't know; I am stopping t the Briggs House myself.

Q. On Randolph and Fifth avenue?

Mr. AUSTRIAN. What difference does it make where he is stopping?

Judge HANECY. I want to know where he came from in coming ver here.

Senator BURROWS. Would you know the man if you saw him?—. Yes.

Senator BURROWS. Is he in this room?

(Witness looks around the room.)

A. No.

Senator PAYNTER. Take a good look.—A. I don't think he is here.

Judge HANECY. Those men there [pointing to men at the press ible] are newspaper men, and they wouldn't do such a thing.

The WITNESS. He also stated to Mr. Henkel, so Mr. Henkel told ie, the same thing, and that was the cause of my bringing the statement here. When I met him on the street he kind of let on that e didn't know me when I met him on the street, until I stopped him.

Senator PAYNTER. Did he invite you to take dinner with him?—. No. He said that I would be gotten into awful deep water in is matter before this investigation, before this thing was through ith.

Senator BURROWS. He said that to you?—A. Yes.

Q. To-day?—A. To-day.

Senator FRAZIER. Did he give you any initials to his name?—A. o, sir.

Senator GAMBLE. Did he claim to be an officer representing this mmittee?—A. I don't think he claimed to be an officer. He said was out in the interest of the senatorial committee, and that there ere several of them out.

Judge HANECY. Several men out?

The WITNESS. Several of them.

Senator PAYNTER. And you say he told you they didn't want testiony for nothing?—A. He says: "We don't want something for thing."

Q. "Something for nothing?"—A. That is right.

Judge HANECY. That is rather a verification.

Senator PAYNTER. What did you say the name was he gave you?—. He gave the name of Williams at my place.

Q. Did he give you the name to-day?—A. No.

Senator FRAZIER. You say he was at your place?—A. He was at my place. I think I got the dispatch the next day, a telegram from the sergeant-at-arms that a subpœna had been issued for me. I think it was the 28th, but I would not be postive now.

Senator FRAZIER. The 28th was the day he was there?—A. Yes. I went to Canton, and in an interview with Mr. Henkel he told him the same thing that same night.

Q. Where did he claim to reside?—A. He didn't say exactly, but he told me he lived in Bureau County, west from my place, but he had been here, I think, a few years, but he didn't state where he was.

Senator BURROWS. Had you ever seen him before?—A. I had never seen him before.

Q. Do you think you could find him?—A. I don't know. I would not know where to go to look for him. I would know him if I saw him. He is a stout, corpulent man, with grayish hair and a short grayish mustache. I think he could be found in the city here.

Judge HANECY. About how old?—A. He told me he was 52. He asked me my age, and I told him I was 54. He said, "I am 52."

Q. About how tall is he?—A. I don't know. He is a stout-built man; I would say about 5 feet 10 inches tall.

Q. How much would he weigh?—A. From 180 to 200, I should say.

Q. Full face?—A. Yes, sir.

Q. No beard, except a short, stubby mustache?—A. No beard; only a short, stubby mustache.

Q. How was he dressed?—A. Well, I can't tell you. I would say his clothes were dark, and he had on a brown hat. If you would see Mrs. De Wolf, she could tell you more about his clothes than I could.

Q. Was your wife with you at the time you met him to-day?—A. No; my wife is not here. She saw him at my farm. He took dinner at my house.

Q. That is the 28th of last month?—A. The 28th of last month, I think.

Q. This is October 1; last month, that would be September.—A. I don't want to be sure about the date. It was on the day before I received the telegram. I don't know whether I have got the telegram here or not, but the next day after that I received the telegram from the sergeant-at-arms; but it was the day before I received the telegram.

Q. It was the day before you received the telegram that he was at your house?—A. Yes.

Q. The telegram was from Mr. Nixon, the sergeant-at-arms?—A. Yes, sir.

Senator BURROWS. Is that all the correction you desire to make?—A. Yes, sir.

Mr. AUSTRIAN. There is another question that I would like to ask if we are through with this mysterious stranger. Have you discussed with any one the subject of the correction of your testimony?—A. I don't know but what I have; yes; but I was going to make the correction.

Q. With whom did you discuss it?—A. Well, sir, I think——

Q. You know who you discussed it with, don't you?—A. Well, I think I discussed it with two or three.

Q. Tell us who they were.—A. Don't get in a hurry. Give me a little time, please.

Q. All right.—A. I discussed it with a gentleman downstairs this orning. I told him I was going to make a correction.
Q. Who was the man?—A. I think his name was Dawson.
Q. Tom Dawson?—A. I don't know what his given name is. I so discussed it with my daughter last night. I said I was going to ake a correction—I discussed it at the Briggs House with her—that wanted to make the correction.
Q. Yes.—A. I told the sergeant-at-arms of the correction—what e correction was.
Q. Whom did you discuss it with first?—A. I discussed it first th my daughter.
Q. Then you went and saw Tom Dawson?—A. No, sir; Tom Dawn came in, and you came by as I was with Tom Dawson.
Q. In the lobby of the hotel?—A. Yes.
Q. Is Tom Dawson your lawyer?—A. No, sir.
Q. Has he ever given you any advice anywhere, in Springfield or Chicago?—A. No, sir.
Q. Mr. De Wolf, you thought it over considerable, didn't you?—I don't know whether I thought it over very much. I called up e sergeant-at-arms after I got over to the Briggs House.
Q. You called up the sergeant-at-arms and you told him you nted to make a correction?—A. Yes.
Q. You thought it over and then decided to do it?—A. Yes.
Q. After reflection, after leaving the courtroom here, you conided that you might have said in reply to a question I propounded you yesterday—that you may have said: "I am from Missouri, and u will have to show me?"—A. Yes, sir; I might have said that.
Judge Hanecy. Mr. De Wolf, did Mr. Dawson first speak to you out it, or did you first speak to him?—A. I spoke to Mr. Dawson.
Q. And you told him you were going to make the correction?—Yes.
Q. So far as you know, did he know anything about it, until you d him?—A. No; I suppose he did not; because nobody else could ve spoken to him about it. I spoke to the people to-day. I have t got any secrets.
Judge Hanecy. That is all.
Senator Burrows. Witness will be excused.
Judge Hanecy. I would like to ask this committee to instruct Mr. Wolf if he sees that man again, to get his name and address, so it he can be located. It seems to me it is of a very serious charac, the charge that he makes here, somebody going around pretend; to represent this honorable committee. It is a verification of the ular remark of Senator Paynter that there were men going around ing that thing; it rather verifies it.
Senator Paynter. I think it is more important, not to this committee, but it is more important for the committee to know the facts, as, if possible, to reach a correct conclusion in this case. I would e to know, if improper methods are being used to secure testimony, at they are, and who is doing it.
Senator Burrows. Mr. De Wolf, are you obliged to go at this time?
Mr. De Wolf. In order to make my train, Senator, I have got to ; I want to leave the city at 1.25. I would like to go home.
Judge Hanecy. This is the position, Mr. Chairman and gentlen: If Mr. De Wolf can not remain here now—and I have not any

desire to inconvenience him to that extent—he may find this ma may locate him before this honorable committee makes up its repor or acts upon it.

Senator BURROWS. If you can locate this man, or should run acro him anywhere, will you advise this committee?

Mr. DE WOLF. I will, sir.

Mr. AUSTRIAN. Get his full name.

Senator BURROWS. Get his full name and find out where he is.

Mr. DE WOLF. I will.

Senator BURROWS. If you can.

Mr. DE WOLF. If I can, and if they want me to come back the fir of the week I am willing to come back.

Judge HANECY. That may be done before any time up to the 1 of next December.

Senator BURROWS. Whenever you find that man, or locate hi will you be kind enough to advise this committee?

Mr. DE WOLF. I will, sir.

Senator BURROWS. Now, the chairman understands another witne desires to make a correction. Who is the witness, Mr. Sergeant-a Arms?

Michael S. Link resumed the stand and testified as follows:

Senator BURROWS. We are informed you desire to correct yo testimony in some particular.

Mr. LINK. In this way: I came here to tell the truth. I was e amined yesterday in relation to a private interview with Mr. Wa man and the first interrogation of the grand jury, you understan The names of Mr. Lorimer and Mr. Browne, after studying t matter and thinking of it, it was not mentioned to me before the fir grand jury, but in my statement I stated I denied receiving mon from Mr. Lorimer at the first grand jury, and that question w not asked me. That is where I wish to correct myself.

Mr. AUSTRIAN. You were only asked whether or not you were St. Louis?—A. I do not remember; I had been on the stand for t first time for a good while. It had nothing to do with Mr. Brow or Mr. Lorimer. Gentlemen, that is as far as I want to go, and thank you.

Senator BURROWS. Is Mr. Murray present, Mr. H. V. Murray?

H. V. MURRAY, called as a witness herein, having been first du sworn by Senator Burrows, was examined by Mr. Austrian a testified as follows:

Q. Mr. Murray, will you state your full name, age, residence, a occupation?—A. Hugh Vincent Murray.

Q. You will have to talk a little louder.—A. Hugh Vincent Mu ray, Carlyle, Ill.

Q. Do you occupy any position in Carlyle?—A. I am state's a torney there.

Q. What county, Mr. Murray?—A. Clinton County.

Q. How long have you been state's attorney in Clinton County?- A. I was elected two years ago.

Q. Mr. Murray, did you ever have any talk with Charles E. Lu a member of the legislature, with reference to the election of M Lorimer?—A. Yes, sir.

Q. Will you state to the committee what that was?

Judge HANECY. That is objected to, Mr. Chairman and gentlemen. hat is a question that was fully gone into during Mr. White's amination.

Senator BURROWS. You propose to show by this witness what Mr. ıke said?

Mr. AUSTRIAN. Yes, sir. We can call Mr. Luke's wife. Mr. Luke dead.

Senator BURROWS. You propose to show by this witness——

Mr. AUSTRIAN. What he said; yes, sir.

Judge HANECY. I submit there is another reason why he can not ll him. There is no proof that Mr. Luke is dead.

Mr. AUSTRIAN. There is proof Mr. Luke is dead; it is proved in e legislative records.

Senator BURROWS. Is there any question about it?

Judge HANECY. I understand he is dead.

Senator BURROWS. Objection sustained.

Mr. AUSTRIAN. Why, that is in direct violation—I do not mean olation—it is in direct conflict with this senatorial committee.

Judge HANECY. On the contrary, it is in direct conformity.

Senator BURROWS. Anything further with this witness?

Mr. AUSTRIAN. Why, Mr. Chairman, when you ruled before, this ıs the substance that you ruled on: You cited——

Senator BURROWS. Mr. Austrian, the committee does not think it cessary to argue the question. You propose to show a statement ade by a party now dead in relation to this matter; that is purely arsay, and we can not admit it.

Mr. AUSTRIAN. Is there any evidence, Mr. Chairman—is it pos- ɔle to produce evidence—better than this evidence?

Judge HANECY. I object.

Mr. AUSTRIAN. I do not ask for an answer, but I am asking the airman——

Senator GAMBLE. How would it be, Mr. Chairman, if he were rmitted to make his offer?

Senator BURROWS. He has offered that.

Mr. AUSTRIAN. No; I have not offered it.

Senator BURROWS. What is the question?

Mr. AUSTRIAN. The question is what talk he had with him with ference to this subject-matter.

Judge HANECY. That is objected to.

Senator BURROWS. Then the chair asked——

Mr. AUSTRIAN. If Luke was dead.

Senator BURROWS (continuing). If Luke was dead.

Mr. AUSTRIAN. To which I reply, " Yes."

Senator Burrows. You propose to show what this dead man said?

Mr. AUSTRIAN. Yes.

Senator BURROWS. That is objected to and objection sustained.

Mr. AUSTRIAN. May I make an offer?

Judge HANECY. That is just as fatal, our courts have held.

Mr. AUSTRIAN. If you have a jury it is as fatal, but this committee not sitting as a jury.

Judge HANECY. Mr. Chairman, if this committee had the final sposition of this entire matter I would not question it for a second; t this committee is making a record here that will be read by hers than this committee—by the larger committee, and then by

the entire Senate—and this record should not contain in it something, from all the circumstances and the law, as it appears here and the other rulings of the committee, should not be in the record. If it goes in by way of statement, it goes in with the sanction of this committee that it has the same effect, or may have the same effect with those who may read it hereafter. I submit it is not competent it is not proper.

Mr. AUSTRIAN. The very fact, Mr. Chairman, that this committee reports the evidence is the reason why I should not only have permission to make an offer, but that is one of the reasons I respectfully submit I may be allowed to offer the testimony. If it is not competent it will be disregarded, and in the Clark case that very question was passed on by the Senate. I have it here, and in the Spencer case cited——

Senator BURROWS. The committee has that.

Mr. AUSTRIAN. The committee may not have that ruling before that. There the legislator, Flim, was dead. He changed his vote and voted for a Republican, and they admitted the conversation and all the chairman said was that it was unfortunate that he was dead.

Judge HANECY. The manifest unfairness——

Senator BURROWS. In the Clark case it was stated that you may show that a certain person had made a statement in relation to the matter.

Mr. AUSTRIAN. Yes, sir.

Senator BURROWS. Not that his statement would be testimony or evidence before the committee at all, but with a view of discovering some one who knew something about the case.

Judge HANECY. The manifest unfairness of this is that we can not call Mr. Luke to contradict this. Death has closed the mouth of that man, and the law, in all fairness, should close the mouth of this man. That is a rule of law. We can not cross-examine. We can not refute it. We can not in any way deal with it; he comes in here and tells somebody told him something at some time, and it is in here for some effect, and if it goes in here by statement or otherwise it goes in with the sanction of this committee that it should have some weight here. Now, the same thing was attempted to be done as to Clark, Shephard, and several others. The question was asked White and this honorable committee ruled that it was not competent, was not proper. That was very much more proper than this, because if Mr. White's testimony, under oath, was not true, we could call these people and contradict it.

Senator HEYBURN. He has a right to ask a question and get a ruling on it.

Mr. AUSTRIAN. Mr. Chairman, you recall the Spencer case. Of course if you are going to state the law I would like to have you state it so I can hear it. If the chairman will please bear with me for a moment. In the Spencer case the objection was sustained there to the declaration of legislators, because they could have been called. Now, it is specifically on that ground in the Spencer case which was decided in 1873, in the Clark case they attempted it, and in this case I called each one of these members of the legislature. We can not call Luke because he is dead, but in the Clark case they admitted the testimony and declaration of the dead man, Flim.

Senator BURROWS. The committee has before it the decision in the Clark case, and it hardly sustains your contention, Mr. Austrian.

Mr. AUSTRIAN. May I read it to you, Mr. Chairman?

Senator BURROWS. In the case——

Mr. AUSTRIAN. May I read it to you, Mr. Chairman?

Senator BURROWS. That is hardly necessary. We have the case before us and I read from the report of the committee:

In the case of George C. Spencer (Senate Election Cases, 611, 633), the committee refused to receive testimony showing that certain persons had said that they had received money as a consideration for voting for Mr. Spencer.

In the case of Henry B. Payne, Senator from Ohio, there was an offer to produce testimony "pointing to bribery, consisting of conversation, statements, and admissions of implicated members and others." [Citing pages 714 and 716.] But seven members of the committee, namely, Messrs. Pugh, Saulsbury, Vance, Justis, Teller, Evarts, and Logan, held that there was no ground laid which would justify even an investigation of the charge. Two members of the committee, Messrs. Hoar and Frye, dissented from that conclusion and in their views say:

"It is said that much of this is hearsay, and that taken together it is insufficient to overcome the presumption arising from the certificate of election. We are not now dealing with that question. The Senate is to determine whether there is probable cause for inquiry."

In the case of William A. Clark the rule excluding hearsay testimony was somewhat relaxed, Mr. Hoar remarking that testimony of this character might be received de bene, to be disregarded if the facts to which the hearsay testimony pointed should not be established by competent proof. But a minority of the committee complained bitterly of the admission of the testimony for any purpose and in their views say:

"It was our misfortune not to agree with a majority of the committee in the general conduct of the investigation in this case. We believed that in this important inquiry the committee was bound by and ought to act on the ordinary rules of evidence.

"And in this contention we merely followed another member of the committee, who is one of our great lawyers and who is fresh from a long service as a nisi prius judge under federal authority. That great lawyer in gentle but forceful language admonished us of the great danger of disregarding the common rules of evidence established by great judges through the centuries and known to all lawyers. But it was said the committee was not a court and had a right to receive hearsay evidence in order to get on the track of better evidence. And we did receive it constantly and in great volumes."

And the majority of the committee, in their reply to this complaint and to a similar one by Mr. Clark, say:

"The answers to this complaint are simple: (1) That no such testimony was received, except after deliberate decision by the committee for the purpose of ascertaining what additional witnesses it might be necessary to summon, as stated by the chairman on page [so and so forth] for the purpose of ascertaining what witness could be called.

"The CHAIRMAN. It would only be admissible as laying the foundation for sending for other witnesses.

"(2) That no single finding of the committee has been based on hearsay testimony."

The committee hold that the proposed testimony is not admissible and sustain the objection.

Mr. AUSTRIAN. All I want to know now is if I can make an offer. I do not know what the practice is here.

Senator BURROWS. It would hardly be fair.

Mr. AUSTRIAN. Then may I put a question?

Judge HANECY. That is the same thing.

Senator BURROWS. It is hardly fair to go on and state what you might prove by this dead witness, when the committee has ruled that you can not show it.

Mr. AUSTRIAN. That is very true. I am asking if I may put a question or make an offer or desist in this line of examination. I am willing to bow to whatever the method of procedure adopted by the committee may be. Of course, I can not preserve the question in any way, unless you permit me to put the question or make an offer.

Senator BURROWS. Whatever the question may be, you have stated that your purpose is to show a declaration of a man who is dead. The committee ruled that such line of testimony is not permissible.

Mr. AUSTRIAN. But the answer comes right back, as you will readily see that declarations must bear upon this subject and must be some substantive fact.

Senator BURROWS. Concede it is on this subject.

Mr. AUSTRIAN. I am willing to concede it. Let the record show I offer to prove by this witness that he had a talk with one Luke——

Senator BURROWS. That he has stated.

Mr. AUSTRIAN (continuing). That would bear directly upon Luke's voting for Mr. Lorimer for United States Senator——

Senator BURROWS. That he has stated.

Mr. AUSTRIAN. And that if permitted to prove by this witness that fact——

Judge HANECY. I object.

Mr. AUSTRIAN. I would like to state what the fact is.

Judge HANECY. I object to his stating this. If he wants to state it, he has a newspaper to do it through.

Mr. AUSTRIAN. I would like to state what the fact is, Mr. Chairman. I am not going to state what the evidence is, Mr. Chairman; take my word for it.

Senator BURROWS. Counsel would not do that, in view of the ruling.

Mr. AUSTRIAN. That, in my judgment, it would throw light upon the vote of Mr. Luke for Mr. Lorimer.

Senator PAYNTER. By proving what he said.

Mr. AUSTRIAN. By proving what he said, and I would follow it up by other evidence tending to show that that statement was true.

Senator BURROWS. Mr. Austrian, if it might throw light, this is hearsay testimony from the mouth of a man whose lips are sealed. It might be a false light.

Mr. AUSTRIAN. But, Mr. Chairman, I would follow that up by declaration made by and to his wife and by the show of sudden wealth.

Judge HANECY. Now, Mr. Chairman, I ask that be—I ask that that statement be stricken from the record as coming directly within the line of the matter that this committee held should not go in, and which this learned counsel said he would not avail himself of the privilege of putting in.

Senator BURROWS. Mr. Austrian, if you can show by the wife, or anybody else, that he was possessed by sudden wealth after that, that is another thing.

Mr. AUSTRIAN. Mr. Chairman, can I then follow it up with this testimony?

Senator BURROWS. The hearsay testimony?

Mr. AUSTRIAN. Yes, sir.

Senator BURROWS. No, sir; the committee thinks not.

Judge HANECY. May that statement of counsel be stricken from the record, that he proposed to follow that up by showing sudden possession of wealth?

Senator BURROWS. The Chair thinks it should go out.

Senator FRAZIER. That is substantive and can be proven without reference to the statement that the dead man could have made to this witness.

Mr. AUSTRIAN. May I ask one further question? Declarations made at the exhibition of sudden wealth or in discussing the source of the sudden wealth, may I make that proof?

Senator BURROWS. When you call a witness on that point, we will pass upon it. We will pass upon that question when it is reached.

Mr. AUSTRIAN. That will be all then, Mr. Murray.

Mr. MURRAY. May I be excused then?

Senator BURROWS. Will you need this witness further?

Mr. AUSTRIAN. Will you wait just a minute, Mr. Murray?

Senator BURROWS. The hour of 1 o'clock having arrived, the committee will take a recess until 2 o'clock.

(Whereupon the committee adjourned until 2 o'clock p. m., Saturday, October 1, 1910.)

AFTERNOON SESSION.

SATURDAY, *October 1, 1910.*

At 2 p. m. the committee met pursuant to adjournment and the following proceedings were had:

JAMES J. GRAY, called as a witness herein, having been first duly sworn, was examined in chief by Mr. Austrian, and testified as follows:

Q. What is your full name?—A. James J. Gray.

Q. Where do you reside?—A. Belle Isle, Ill.

Q. What is your business?—A. Condensed-milk business.

Q. Mr. Gray, do you know H. J. C. Beckemeyer, a member of the legislature?—A. Yes, sir.

Q. How long have you known him?—A. About all my life; we were boys together.

Q. Do you recollect the event in the month of July, 1909, of meeting with Mr. Beckemeyer?—A. Yes, sir.

Q. Will you state to the committee, please, the circumstances of that meeting?—A. Along the latter part of July——

Judge HANECY (interrupting). I object to any conversation he had with him.

Mr. AUSTRIAN. This is not in reference to a conversation.

Judge HANECY. I don't want him to tell the conversation.

Mr. AUSTRIAN. If anything is improper, it may be stricken out; it doesn't call for the conversation.—A. He came into our place of business and asked me to go to the bank and identify him. He said he wanted to make a deposit, and I went over and identified him.

Q. What occurred there?—A. He made a deposit.

Q. Do you know what?

Judge HANECY. I submit, Mr. Chairman and gentlemen, that this is the same as though he stated it. If by words, motions, or actions,

and it is not material whether he said it in words or with his fingers or writes it or some other way. He can not corroborate himself in that way, nor can they corroborate him by showing he did something or told somebody something, by words or signs.

Senator BURROWS. The witness can state if he made a deposit there.

A. Five hundred dollars.

Q. What bank?—A. The Commercial Trust Company.

Mr. AUSTRIAN. That is all.

Q. Did you give the date?—A. It seems to me it was about the latter part of July or 1st of August; I am not positive.

Judge HANECY. What year?—A. Last year; 1909.

Q. Mr. Beckemeyer was practicing law there?—A. Yes, sir.

Q. Did he own farms or property there?—A. I am not positive that he owned a farm at that time or not. I was away. I don't know whether he had the farm at that time or not.

Q. Did he own property there?—A. Yes, sir; he did own property; he owns property there.

Q. Did he have an account before that, or don't you know anything about that?—A. Not very much. I suppose he had not, or I would not have to identify him.

Q. Did you count the money?—A. No, sir; I just happened to see it lying there; he showed it to me.

Q. Did he count it out in your presence and show it to you?—A. Yes, sir.

Q. Counted out each bill, did he? Why did he count out each bill to you?—A. I think it was a $100 bill, and I asked him where he got his $100 bill.

Judge HANECY. I move to strike that out.

Mr. AUSTRIAN. That is an answer to the question.

Judge HANECY. I didn't ask him for the conversation.

Q. Why did he count that out before you? Did you ask him to count that out?

Judge HANECY. I ask that that be stricken out.

Mr. AUSTRIAN. The answer is perfectly responsive.

Senator HEYBURN. I would like to make a suggestion about striking out things; they may want to be considered at some future time. I think it does not mean that it goes out of the stenographer's notes at all.

Judge HANECY. No, sir, but that it does not constitute a part of the record; that is all.

(Last question and answer read by the stenographer.)

Judge HANECY. It is not responsive to my question.

Senator BURROWS. That is not responsive to the question.

Judge HANECY. I ask that it be stricken out.

Senator BURROWS. I think that part of the answer that is not responsive to the question should be.

(Last question again read by the stenographer.)

A. I stated I noticed that he had a $100 bill and I asked him where he got his $100 bill.

Judge HANECY. I move that that be stricken out. It is not responsive to the question.

Mr. AUSTRIAN. The witness is making the best answer he can.

Judge HANECY. He was asked a question and he can say he doesn't know or he does know. If he says he does know, I might ask him

what his knowledge was or not, as I thought best; and if he didn't know, that would end it; and I submit that is the only proper way for him to do, and that is the only way in which it should go into the record.

Senator BURROWS. Do you know why he counted out the money and showed it to you?—A. I asked him that question and he gave me that answer; that is all I can answer.

Senator BURROWS. Do you know why he counted out the money? That is the question.

Judge HANECY. Yes or no, do you know why he counted out the money in your presence? Not your speculation or guess, but your knowledge.

Mr. AUSTRIAN. He can not answer that without speculation or guessing, why he counted out the money; he has got to look into that man's mind.

Senator GAMBLE. Did he count the money in your presence, the amount of money there was counted?—A. I will say yes.

Q. He did count out the money in your presence?—A. Yes, sir.

Senator BURROWS. What next?

Judge HANECY. I will ask that this conversation with Mr. Beckemeyer be stricken out. It was not responsive to the question at all, and was speculation on the part of the witness.

Senator BURROWS. That will go out for the present.

Judge HANECY. That is all I desire.

Examination by Mr. AUSTRIAN:

Q. What were the denominations of the bills you saw?—A. A $100 bill.

Q. Did you ask where he got it?—A. Yes, sir.

Q. What did he say?

Judge HANECY. I object to that. That is the same question that has been ruled on several times. He can not make corroborative or self-supporting testimony for himself.

Mr. AUSTRIAN. He said he deposited it at the Commercial Trust Bank, and this gentleman took him there and introduced him. That is a part of the res gestæ.

Judge HANECY. It is a collateral matter; there is no res gestæ on a collateral thing. The doctrine of res gestæ applies to the thing itself. This is offered for the purpose of inducing this honorable committee or somebody else to infer or draw a deduction or inference against the presumption of innocence; the direct inference that he got this money by improper methods and in an improper manner, not from the same general, but from other, sources that it is claimed here it was paid. I submit the matter can not be proven in that way by proving a lot of collateral things and leave it for somebody to infer.

Senator GAMBLE. Is this for the purpose of impeaching the testimony of Mr. Beckemeyer?

Mr. AUSTRIAN. No, sir.

Judge HANECY. Or of supporting it.

Mr. AUSTRIAN. Of course it is for the purpose of supporting it.

Senator PAYNTER. When did this occur?

The WITNESS. Somewhere last July or the 1st of August. I paid no attention to it. He came in and asked me to go over, and I went over.

Senator BURROWS. The objection will be sustained.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Any other witness here?

Mr. AUSTRIAN. I understand there is no other witness here. Two of the witnesses who have already testified I desire to recall, then Mr. Browne, Mr. English, Mr. Broderick, and Mr. Wilson. These three witnesses, and I desire that the committee consent that I may withhold the testimony of Governor Deneen until rebuttal, inasmuch as it may not be necessary to call him, and we would thereby save considerable time. Unless counsel on the other side expects to prove what he said he would a number of times, it will not be necessary to call him. If it is, we will call him in rebuttal. I think with these witnesses on hand Monday, if they are all subpœnaed, we can get through with our side of the case by 2 o'clock.

Judge HANECY. What about Mr. Isley?

Mr. AUSTRIAN. He will be a witness on rebuttal.

Judge HANECY. Mr. Isley is on rebuttal.

Senator BURROWS. Is he present?

Mr. AUSTRIAN. I think not.

Senator BURROWS. Have Mr. Wilson, Mr. Browne, and Mr. Broderick been subpœnaed, and are they present?

Mr. AUSTRIAN. I don't know what the chair has done about Mr. Browne. If he is not found before we close our case, we shall ask leave to put him on when he is found, and the same with Mr. Broderick and Mr. Wilson. I would not ask that the case be held open, but ask the right to put them on as a part of our case when they are found.

Senator BURROWS. Let me ask you, Mr. Austrian, is Mr. Ford here?

Mr. AUSTRIAN. Mr. Ford and Mr. Murray, under the ruling of the committee, would not be competent witnesses. Mr. Ford and Mr. Murray would testify to the same facts.

Judge HANECY. You expect to show the same thing by Thomas Ford.

Mr. AUSTRIAN. Mr. Ford and Mr. Murray are to the same effect.

Senator GAMBLE. A subpœna has been served on Mrs. Luke.

Mr. AUSTRIAN. I want her.

Senator BURROWS. How about John Walker?

Mr. AUSTRIAN. He is in rebuttal.

Senator BURROWS. And Mr. Aldrich?

Mr. AUSTRIAN. Mr. Aldrich will be in rebuttal.

Senator BURROWS. The report is that Mr. Broderick can not be found.

Judge HANECY. What is the matter with Mr. Groves?

Mr. AUSTRIAN. He can not be here until Monday. I desire to put Mr. Groves on. I think the sergeant-at-arms has a telegram from Mr. Groves that he would be here Monday.

Senator BURROWS. You want to call Mr. Groves, Mr. Broderick, W. J. Bradford——

Mr. AUSTRIAN. Mr. Groves, Mr. Browne, Mr. Broderick, Mr. Wilson, and English. I shall recall Mr. Beckemeyer and Mr. White, and Mrs. Luke I will want.

Judge HANECY. Groves, Browne, Broderick, White, Mrs. Luke, and Isley.

Mr. AUSTRIAN. Mr. Isley is rebuttal and Mr. Deneen is rebuttal.

Judge HANECY. What about Mr. Paddock?

Mr. AUSTRIAN. I will call him to prove the record.

Senator BURROWS. That is not necessary.

Judge HANECY. I didn't know but what you wanted to prove something else by him.

Mr. AUSTRIAN. No.

Judge HANECY. May I say this: I have put a party to work on the official record of the house journal and senate journal, to mark the names of the different parties. He tells me that it will be a very difficult thing to put a mark in front of each man's name, on each ballot, and suggests that he make a list of all the Democrats in one list with the Republicans in that house, and that they have that as a key to the journal of the house and senate.

Senator BURROWS. Can't counsel agree on the political affiliations?

Judge HANECY. That is what I am talking about. Mr. Austrian and I can agree on the political affiliations, but how can we convey that evidence to this honorable committee in this record. That is what I was going to ask; why we can not file a list of the Republicans and a list of the Democrats in each house, together with the pages of the journals of the house and senate?

Senator PAYNTER. Why can not counsel say it is agreed by counsel that the following-named persons were Republicans and the following-named persons Democrats?

Mr. AUSTRIAN. I will give counsel a list of the Republicans and Democrats, and he can compare them, and if it is not accurate he can correct it.

Judge HANECY. We can agree about that, but how can we convey that knowledge to this committee. Then we will have from the printed record of the printed journal of the house and senate every vote that was cast there, and then attach this to it.

Mr. AUSTRIAN. That would cover about 150 printed pages.

Judge HANECY. That will all be printed and go into the record.

Mr. AUSTRIAN. I have no objection to that, but we are trying to save expense.

Senator PAYNTER. I think the simplest way is to do it in that way.

Mr. AUSTRIAN. I will agree to anything.

Senator PAYNTER. This is four or five or six times that this question has been up, and if counsel do not agree we will have to take notice of the journal whether in the record or not.

Mr. AUSTRIAN. I can prepare a statement on a page giving a résumé of this whole thing.

Judge HANECY. I can not consent to anything except the journal. I will agree to the list of names of Republicans and Democrats in each house and have that attached to the journal.

Mr. AUSTRIAN. I have told you what witnesses I wanted to call Monday; the others are in rebuttal.

Senator GAMBLE. What witnesses do you want to call?

Mr. AUSTRIAN. I will call Messrs. Groves, Browne, Broderick, Wilson, if subpœnaed by that time, English, Beckemeyer, White, and Mrs. Luke. I may have overlooked one, and if I have I will ask to have them produced.

Senator FRAZIER. The sergeant-at-arms will summon Mr. White.

Mr. AUSTRIAN. When was a subpœna sent for Mr. Browne?

SERGEANT-AT-ARMS. I think night before last. Mr. Groves has been subpœnaed.

Mr. AUSTRIAN. How about Mr. English?

SERGEANT-AT-ARMS. He has not been served with a subpœna; Mr. Groves has been.

Mr. AUSTRIAN. Didn't you get a reply from him?

SERGEANT-AT-ARMS. No, sir.

Mr. AUSTRIAN. Has anyone gone to get him?

SERGEANT-AT-ARMS. No, sir.

Senator BURROWS. Has Mr. Isley been subpœnaed?

Mr. AUSTRIAN. He has not. I think Mr. English will come on a telegram.

Senator BURROWS. Telegraph Mr. English.

Mr. AUSTRIAN. Mr. English has not been served?

SERGEANT-AT-ARMS. No, sir.

Senator BURROWS. Get into communication with these witnesses that have not been subpœnaed, or subpœna them.

SERGEANT-AT-ARMS. I will do so immediately.

Senator BURROWS. Have them here Monday morning.

Senator FRAZIER. Have you made your return on the subpœnas for Wilson, Broderick, and Browne?

SERGEANT-AT-ARMS. That we were not able to find them.

Mr. AUSTRIAN. The report is that Mr. Wilson is in a sanitarium at Milwaukee and the other that he is in Texas buying land.

Judge HANECY. I did not represent Mr. Wilson in any way, but an effort was made by the state's attorney to forfeit his bond. He was indicted in court during the last Browne trial, and they tried to serve a subpœna on him, and it appeared there in the public records that Wilson was nearly blind; and the state's attorney put Wilson's case on trial during the summer vacation before Judge Honore, for the purpose of getting the bond forfeited because he did not appear. His attorney appeared there and showed Judge Honore that he was sick and his eyes were affected, and that he was blind, or nearly so, and was in a sanitarium or some place for treatment for his eyes, and the court refused to forfeit his bond or take any action in the matter.

Senator FRAZIER. Have you any information where he is now?

Judge HANECY. Not the slightest. I only know that from what occurred the first part of September last. It has been stated that he was in Milwaukee by Mr. Austrian. If so, he can be served without difficulty.

Mr. AUSTRIAN. His mother said he was in Milwaukee, and another report is that he is in Texas on a land deal.

Judge HANECY. I don't represent him.

Mr. AUSTRIAN. I think some of your associates do.

Senator BURROWS. Are there any of the witnesses here now?

Mr. AUSTRIAN. No.

Senator BURROWS. The committee will stand adjourned until Monday at 10 o'clock, and the committee would like to have counsel remain a few moments until we can determine about these witnesses.

MONDAY, OCTOBER 3, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. committee met pursuant to adjournment, whereupon the following proceedings were had.

The following members of the subcommittee were present: Hon. J. C. Burrows, chairman; Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. James H. Paynter, Hon. Joseph F. Johnston, and Hon. James B. Frazier.

Mr. AUSTRIAN. I would like to recall Mr. Clark.

Senator BURROWS. Mr. Clark, take the stand.

JOSEPH S. CLARK resumed the stand for examination by Mr. Austrian and testified as follows:

Q. Mr. Clark, on last Saturday you were asked the question found on page 917 of the official record:

> Q. When did you make up your mind to vote for Lorimer?—A. It was Friday evening or Saturday at my home, previous to the election of Mr. Lorimer.

Do you desire to correct that answer?—A. I do not.

Q. Mr. Clark, you were interrogated on that same subject-matter before the grand jury, were you not?—A. I presume so.

Q. Was this question put to you: "When did you make up your mind to vote for Lorimer?" and did you make this reply: "About thirty minutes before my name was called." Was that correct or was it not correct?—A. I made up my mind——

Q. Will you please answer the question? Was that answer correct when made or was it not correct?—A. There was nothing certain about my voting for Mr. Lorimer for several days before the election, but I became conclusive about thirty minutes before I voted that I would vote for him before the roll was started to be called.

Q. I will ask you, sir, whether or not the question as I read it was put to you before the grand jury, and whether or not you made the answer which I have just read?—A. I do not recollect exactly what was put to me before the grand jury.

Q. Was this question put to you: "Did you decide to vote for him before the balloting started?" To which you replied: "After the balloting started is when I first made up my mind." Is that correct?—A. When—I thought I would vote for Mr. Lorimer at my home several days before the balloting——

Q. I am asking you whether or not——A. And I made up my mind to vote for him after the balloting started.

Q. Then when you stated on last Saturday, in response to the question: "When did you make up your mind to vote for Mr. Lorimer?" and you answered: "Either Friday evening or Saturday at my home previous to the election of Mr. Lorimer," that was not correct?—A. I had thought that I would vote for Mr. Lorimer——

Q. Was it or was it not correct, that answer to that question?

Judge HANECY. I submit, if the chairman and committee please, that he has answered that substantially as well as he can remember. The two questions are exactly in the same words.

Mr. AUSTRIAN. The two questions are in exactly the same words—the question put to him last Saturday, "When did you make up your

mind to vote for Mr. Lorimer?" and the question purported to be asked before the grand jury, "When did you make up your mind to vote for Mr. Lorimer?"

Judge HANECY. He is explaining what the facts are.

Mr. AUSTRIAN. Was the answer you made last Saturday correct?—A. Possibly it was.

Q. Mr. Clark, I believe you stated that you had no talk with anyone with reference to your voting for Mr. Lorimer, and that you did not declare to anyone that you would vote for Mr. Lorimer. Is that correct?—A. I had no talk with any person, only some of my constituents at home, with reference to my voting for Mr. Lorimer, a few days previous to the vote being taken, or possibly a week before.

Q. You did not tell your constituents that you were going to vote for Mr. Lorimer, did you?—A. I would not be positive on that, whether——

Q. Didn't you state last Saturday that you did not disclose to your constituents——A. I don't think that I did.

Q. Didn't you state last Saturday that you did not disclose to your constituents or to anyone else that you were going to vote for Mr. Lorimer?—A. Possibly I did not.

Q. I am asking you whether or not you made that statement on last Saturday under oath here?—A. Ask the question again.

Q. Didn't you testify, in response to a question put by me to you, asking you whether or not you disclosed or stated to anyone that you were going to vote for Mr. Lorimer prior to your voting for him—didn't you state that you did not state to anyone that you were going to vote for Mr. Lorimer?—A. I had not decided in my mind that I would vote for Mr. Lorimer until the ballot had been started.

Q. Mr. Clark, prior to your voting for Mr. Lorimer—do you know John A. Bingham?—A. I do.

Q. Prior to your voting for Mr. Lorimer, did you have any discussion with any person with reference to the appointment of John A. Bingham as postmaster?—A. I did not.

Q. At no time?—A. At no time.

Q. Immediately after or shortly after the adjournment of the legislature, did you invest any money in or make any purchase of any substantial amount, in value, of jewelry?—A. I did not.

Q. You did not purchase any?—A. I did not.

Q. Sure of that?—A. I am sure of it.

Q. Not for yourself, but for some one else?—A. When was this?

Q. After the legislature adjourned, in July or August.—A. I am not positive that I did.

Q. Well, are you positive that you did not?—A. The only jewelry that I have bought within the last four or five years was two small diamonds, which I believe I paid $105 for.

Q. When did you purchase them?—A. I do not know whether it was some time during the session of the forty-sixth general assembly.

Q. Wasn't it after the session of the general assembly?—A. I do not think that it was.

Q. Will you say it was not?—A. I could positively say my memory is not clear as to that. I can tell who I bought them of.

Q. Yes, sir; who?—A. Doctor Alliston, a member of the legislature.

Q. When did you pay for them?—A. I took them home to be ex-

mined and brought them down there and submitted them to our eweler, and sent my personal check for them after I concluded to eep them.

Q. When did you sign your personal check?—A. Well, some me——

Q. Wasn't it after the adjournment of the legislature?—A. I could ot say whether it was after or before.

Q. Didn't you state in Vandalia one evening, when there was a dis-ussion in reference to the diamonds in question, that that was some-ning you got out of the forty-sixth general assembly?—A. I never id it. My opinion is that I bought them diamonds before the ad-ournment of the legislature. I believe my wife could correct that; e is in the building.

Q. Mr. Clark, did you make a trip with White from here down to our home one day, after the adjournment of the legislature in 909?—A. Either July or August.

Q. 1909?—A. 1909.

Q. Yes, sir.—A. I was on the C. and E. I. train going home from hicago.

Q. Did you discuss with him anything in reference to the distribu-ion of money during the last session of the legislature?—A. I did not.

Q. Directly or indirectly?—A. Directly or indirectly.

Mr. Austrian. That is all.

Judge Hanecy. That is all.

Senator Frazier. Mr. Clark, did you take a trip with Mr. Browne nd Mr. White some time after the 15th or 20th of June, or several rips across the lake?—A. I did not. I never was in their society in y life, only in the general assembly.

Mr. Austrian. You made a trip, however, on the same boat that Ir. White did, to Waukegan?—A. I accidentally run across——

Q. I am asking you whether you did or not.—A. I was on the oat; yes, sir.

Q. That is all.—A. I did not know he was there, though.

Judge Hanecy. You did not go with him? You did not make it ith him?—A. I did not make it with him, I ran across him on the oat.

Q. Mr. Clark, what was your salary and mileage, and whatever else s allowed by the State as a member of the legislature?—A. My sal-ry, the last session, was $2,000; $50 for stationery, and my mileage as about $14 or $15.

Q. Well, it was twenty-one hundred and some odd dollars?—A. wenty hundred and some odd dollars, and then we got something xtra in the extra session; I do not know what it was.

Judge Hanecy. That is all.

Mr. Austrian. When did you draw your salary?—A. I drew my alary between January and March.

Q. Didn't you draw it all in January and the first part of Feb-uary?—A. Possibly.

Mr. Austrian. That is all.

Senator Burrows. Is that all?

Mr. Austrian. That is all.

The Witness. Am I excused?

Senator Burrows. Will you need this witness any more?

Judge Hanecy. I do not need him any further, Mr. Chairman.

Mr. AUSTRIAN. No, sir; may I have Mr. Beckemeyer called?

Senator BURROWS. Mr. Beckemeyer.

H. J. C. BECKEMEYER, recalled as a witness herein, was examined by Mr. Austrian, and testified as follows:

Q. You have been a witness heretofore in this investigation, have you not?—A. Yes, sir.

Q. You are the same H. J. C. Beckemeyer who has heretofore been sworn?—A. Yes, sir.

Q. Will you look at the letter which I now hand you and state if you know, whose signature that is [handing letter to witness]?—A. Robert E. Wilson's.

Q. Did you receive that letter through the mails?—A. Well, I guess that is the one. I do not know whether my name is on the top or not.

Q. Just examine it again.—A. I did; yes, sir.

Q. When did you get it?—A. About the first week in May.

Q. A little louder.—A. About the first week in May.

Q. Of what year?—A. 1910.

Mr. AUSTRIAN. We desire to offer the letter in evidence. May I read it, instead of the witness? We offer this letter in evidence.

It is dated "Chicago, June 26, 1909, on the letter head of the Forty-sixth General Assembly, State of Illinois, house of representatives. Robert E. Wilson, sixth district, 1180 Perry street, Chicago, chairman. Committee on retrenchments," and so forth.

(Which said letter so offered and admitted in evidence marked "1–R, K. F. L., 10/1/10," and the same was read by Mr. Austrian in the following words and figures, to wit:)

CHICAGO, *June 26, 1909.*

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*

Friend BECKEMEYER: Doc. Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the near future in connection with our submerged land committee, and will advise you in advance as to when I will be there, and would like for you to meet me. With best wishes I am,

Very truly, yours, ROBERT E. WILSON.

Mr. AUSTRIAN. Mr. Beckemeyer, I understood you to say you got this letter in May, 1910, or about May, 1910?—A. Yes, sir.

Q. Prior to the receipt of this letter did you have any talk with Wilson on the subject?—A. I did.

Q. Will you state to the committee what talk, if any, you had with him?—A. With reference to this letter?

Q. Yes, sir; or the subject-matter of the letter.—A. I met Mr. Wilson——

Senator BURROWS. Mr. Beckemeyer, will you talk a little louder?—A. I met Mr. Wilson in Springfield some time—I do not know the exact date—the last of April, as well as I can remember.

Mr. AUSTRIAN. Well, was it after——

Judge HANECY. I object to the witness being led.

Mr. AUSTRIAN. I have no desire to lead him. Go ahead.—A. However, it was before the White story was published in the Tribune; just shortly before that, however. I do not remember much being said about this letter, except, I think, possibly he asked me the question——

Judge HANECY. I object to the witness speculating.

Mr. AUSTRIAN. Give your best recollection what the conversation was.

Judge HANECY. If he has a recollection, I submit he ought to give it, and he should not be permitted to guess or speculate, after talking the matter over with different parties interested and having him tell a certain story. I have no objection to him telling anything that he remembers, but I do object to him speculating.

Senator BURROWS. Will you tell the conversation?—A. I do not know that I can state the exact conversation.

Senator BURROWS. Then state the substance of it.—A. It was as to the advisability of sending out this kind of a letter.

Mr. AUSTRIAN. Mr. Beckemeyer, after that conversation in Springfield with Mr. Wilson, did you receive that letter?—A. Yes, sir.

Q. Mr. Beckemeyer, will you tell the committee how you happened to meet Mr. Wilson in Springfield?—A. I met him by appointment.

Q. Was that after Tierney and White had been to see you?—A. Yes, sir.

Q. And when had Tierney and White been to see you?—A. I do not remember the exact date.

Q. Approximately, give your best recollection as to the time.—A. About ten days before the story was published, or such a matter.

Q. Mr. Beckemeyer, you told this committee that you had seen Brown in St. Louis on the 21st of June, as I recall it, 1909?—A. Yes, sir.

Q. That is the occasion, I believe, you testified when you received the $1,000?—A. Yes, sir.

Q. When you were in St. Louis on that occasion, did you see Henry L. Shephard there?—A. Yes, sir.

Q. Did you meet Joseph Clark, the witness who has just been on the stand, at Centralia?—A. I did.

Q. Will you state to the committee how you happened to meet Mr. Clark at Centralia—first, when did you meet him there?—A. Well, it was after my trip to Springfield, and before the White story was published.

Q. Now, will you tell the committee how you happened to meet him there?—A. Why, I met him there by appointment.

Q. Tell the committee what, if any, conversation you had with Mr. Clark on that occasion?—A. Well, the conversation that we had was principally as my advising with Mr. Clark as to the advisability of he testifying that I was not in St. Louis on the 15th of July, he and Mr. Wilson being the only two that I remember being down there, and Mr. Luke.

Q. What did Mr. Clark say?—A. He agreed that it might be all right.

Q. Did he say anything with reference to his part in the transaction?—A. No; I do not—there was nothing said about that at all. I seen him, but I did not talk to him.

Examination by Judge HANECY:

Q. Mr. Beckemeyer, you just told this honorable committee that you didn't remember anybody that you met at Springfield except Mr. Wilson and Clark; that is right, isn't it?—A. Well——

Q. That is just what you said?—A. Yes; I think that is correct.

Q. Now, you did testify here when you were on the witness stand before that you met Wilson and Clark and Shephard and White——

Senator FRAZIER. Are you speaking of Springfield or St. Louis? You used the word "Springfield."

Judge HANECY. I meant St. Louis. I thank you, Senator Frazier.

Q. In your testimony here before you said that you met Wilson and Shephard and White, and I think some others, Luke, didn't you?—A. I think my testimony will show that I met——

Q. I am not asking what it will show. I am asking you if that is not what you said before?—A. I think not.

Q. Well, now, what did you mean when you just said a few moments ago that at the time—at that time you do not remember having met anybody but Wilson and Clark at St. Louis?—A. I do not remember meeting any one there except Wilson and Clark and Mr. Luke on the 15th of July except—that is, at the hotel—except on the street I met Mr. White.

Q. Well, you did not separate it in that way when you were on the witness stand before, did you?—A. I do not remember whether I did or not.

Q. Didn't you say when on the witness stand here last week that you also met Shephard?—A. No; I met Shephard on a different occasion.

Q. Didn't you say you met him on that occasion?—A. No; I do not think I did.

Q. Who was it that suggested to you the things, the men that you did not remember that you met in St. Louis?—A. There wasn't anybody, any necessity of anybody suggesting anything to me.

Q. When on the witness stand before, you testified that you met more men than you told here this morning you met?

Mr. AUSTRIAN. I object. Counsel is making a speech as to a fact which is not in evidence.

Judge HANECY. That is a fact, isn't it?—A. It is not; no, sir.

Q. It is not?—A. No, sir.

Q. What did you mean when you said here a moment ago that you did not remember anybody but White—but Clark and Wilson?—A. I do not remember meeting anyone else there. That is the reason I made that statement.

Q. And if you stated that you met anyone else there, those other names were suggested to you by somebody else?—A. Nobody suggested them. I do not think I ever stated that; if I did, I am mistaken.

Q. Well, do you remember now that you met anybody else in St. Louis except Wilson and Clark?—A. Not of these parties we have been talking about—Wilson, Clark, and Mr. Luke.

Senator FRAZIER. What date do you refer to?—A. The 15th day of July is all I can remember of meeting there that day was Mr. Clark and Mr. Luke, and on the 21st the only parties I met were Mr. Brown and Mr. Shephard.

Mr. AUSTRIAN. The 21st of June?—A. The 21st of June; yes, sir; I think that is the way I stated it all the time.

Judge HANECY. Who asked you—who asked for the appointment between you and Mr. Clark at Centralia?—A. It was——

Q. Did you?—A. It was done at my request.

Q. Yes. You wrote to Clark and asked him to meet you at Centralia?—A. No; it was done by telephone.

Q. And what did Clark tell you?—A. He said he would be there.
Q. Did you ask him to meet you at some other place?—A. No; I sked him to meet me at Centralia.
Q. And didn't he tell you he had to go—didn't you say to him you ere going to some funeral at Centralia?—A. Yes, sir.
Q. And did not he say he was going on some business?—A. Well, never talked to him over the phone.
Q. Didn't he tell you when you asked him to meet you at Centralia?
Mr. AUSTRIAN. He said he did not talk to him on the phone.
Judge HANECY. Who did?—A. Mr. Schutte.
Q. Somebody for you?—A. Yes, sir.
Q. Where did you meet Clark when on your way to Centralia?—. On the train between Sandoval and Centralia.
Q. And you wrote him to come there?—A. Yes, sir.
Q. You went to the funeral?—A. Yes, sir.
Q. He went to see somebody else; he didn't go to the funeral?—. No; I do not think that he did. In fact, I know he did not go to he funeral.
Q. You said you went down with Tierney to certain places, did ou not?
Mr. AUSTRIAN. I object; the witness has not so stated that he went o Tierney with certain places.
Judge HANECY. I did not say that he went to Tierney with certain laces.
Q. Did you go with Tierney?—A. I did not; no, sir.
Q. Did you meet Tierney?—A. Yes, sir.
Q. Where?—A. In my home town.
Q. In Carlyle?—A. Yes, sir.
Q. Did you know that his name was Tierney?—A. I did not know is name at all.
Q. Did you know that his name was Turner?—A. I did not know.
Q. Well, he is the man who is Tom McGuire's detective, isn't he?—. I so learned afterwards; yes, sir.
Q. And that was after you had been brought up here to testify before the grand jury, wasn't it?—A. No; that was before.
Q. Before?—A. Yes.
Q. And did you go around with Turner or Tierney to talk to anyody else?—A. I did not.
Mr. AUSTRIAN. Keep your voice up.
Judge HANECY. Did Turner or Tierney say what he went there or?—A. No, sir.
Q. What did he say he went there for?—A. Oh, you mean what urner went to my place for?
Q. Yes; that is the place that you saw him?—A. Yes.
Q. Are you answering other questions in that manner, without gard to the fact?—A. I do not get your question now.
Judge HANECY. Well, will you read the question?
(Question read.)
A. To Carlyle.
Q. That is the only place he went, isn't it?—A. Yes; I know what e went there for.
Q. Is Carlyle the only place that Tierney went to see you?—A. es, sir; the only place.

Q. Why did you ask me whether it was Carlyle that I meant?

Mr. AUSTRIAN. I object to arguing with the witness.

Judge HANECY. I am not arguing with the witness. I am asking him to tell me why he did not answer.

Mr. AUSTRIAN. I object.

Judge HANECY. Did you meet him at any other place than Carlyle?—A. No place except here and Carlyle.

Q. What did you say he went to Carlyle for?—A. He came there to see me to know whether I knew anything about any money that had been used in legislative work at Springfield. These were the questions that he asked me.

Q. And did he tell you whom he represented?—A. He did.

Q. What did he say?—A. He said, at the time, he represented Governor Deneen.

Q. And did he say what they were trying to do?—A. I do not know that he particularly said——

Q. Well, did he generally say?—A. Why, he said they had evidence on the matter and that there would be some indictments found; I think that was all the statement he made to me.

Q. He knew that at an early period, didn't he?

Mr. AUSTRIAN. This witness can not tell that.

Judge HANECY. He said he did.

Senator BURROWS. The witness can state the conversation.

Judge HANECY. Yes; now, will you go on and tell?—A. Well, I think that is about all the conversation we had; it was very short.

Q. What was the date of that?—A. Well, I do not know the exact date; it was about ten days or such a matter before the White publication.

Q. That is, it was ten days before the 30th day of April?—A. Yes; something in that neighborhood.

Q. Didn't—wasn't it more than ten days before that; wasn't it twenty or thirty days before?—A. No; it was not.

Q. It was at least ten days before?—A. Well, such a matter; in that neighborhood.

Q. And it was more than twenty days before any indictments were found here, wasn't it?—A. I think so; yes.

Q. How long was it before you came up here to Chicago on the subpœna or on the request of the state's attorney?—A. Well, I do not remember the exact date, but it was about a week after the publication, or such a matter.

Q. Then, you came up here about a week after the publication?—A. You mean when I was subpœnaed to be here to appear before the grand jury.

Q. How long was it after Turner or Tierney was down there at Carlyle and had this talk with you did you come up here on the subpœna or request to go before the grand jury of the state's attorney of this county?—A. That was about fifteen or twenty days after I met Mr. Tierney.

Q. About twenty days, wasn't it, or more?—A. Well, I will say fifteen or twenty; I would not say the exact number

Q. How long was Tierney at Carlyle?—A. Only a few hours.

Q. Was he with you all that time?—A. No.

Q. How long was he talking to you about this matter?—A. About ten minutes.

Q. How did he come to tell you that he represented Governor Deneen?—A. I think that was the first statement that he was investigating this matter for Governor Deneen, and that he wanted to know all I knew.

Q. What matter did he say he was investigating for Governor Deneen?—A. I think he used the term "legislative corruption," or something of that kind, I would not be sure.

Q. Did he say anything about voting for Senator Lorimer?—A. Well, he possibly did; yes.

Q. Don't you know that he did?—A. Yes; I know he did.

Q. Yes; you know he did. And is not that one of the first things that he said?—A. Well, I would not be sure about that.

Q. Didn't he say to you that he was down there to investigate that matter for Governor Deneen and that he wanted to know whether anybody had received—had paid or had received any money on account of voting for Senator Lorimer for United States Senator?—A. Well, I would not be sure but what he did.

Q. Well, you know he did?—A. I would not be positive about that.

Q. Is not that your best recollection, that he did say that to you?—A. Well, my best recollection is that he wanted to know about the legislative corruption, corruption that was going on; that is my recollection.

Q. Is not it your best recollection that he said to you that he wanted to find out for Governor Deneen whether any money had been paid by anybody or received by anybody for or on account of voting for William Lorimer for United States Senator?—A. No; I just told you what I thought my best recollection of it was.

Q. Didn't he say that in substance?—A. I do not remember; I think possibly that he mentioned Lorimer's name; I would not be positive about it, but I think he did.

Q. Did he mention Lorimer's name in any other way than as a candidate for United States Senator or having been elected United States Senator?—A. No; it was not possible for us to have as long a conversation as you have mentioned, because we were only together ten minutes.

Q. That is not what I am talking about.

Mr. AUSTRIAN. I object to counsel lecturing the witness; that is not proper, "that is not what I am talking about."

Judge HANECY. Will you read the question?

(Question read.)

Senator BURROWS. What is your answer to that question?—A. Not that I remember of.

Judge HANECY. That is the only way William Lorimer's name was used in that conversation, as a candidate for United States Senator or as having been elected United States Senator?—A. I think so; yes, sir.

Q. Was there any other specific act of legislation talked of by you or Turner, alias Tierney, at that time?—A. No, sir.

Q. Can you now recall in any way, directly or indirectly, any piece of legislation that was referred to by Tierney or by you in that conversation that was the subject of inquiry or investigation by Governor Deneen or by Tierney, alias Turner?—A. No, sir.

Q. And the only subject-matter that you do have recollection about is the election of William Lorimer for United States Senator? Say "yes" and do not——A. Yes.

Q. Yes; and subsequently you went with Turner or Tierney to other places, didn't you, to find out whether anybody else knew anything as to the election of William Lorimer for United States Senator, or the voting by anybody for William Lorimer for United States Senator?—A. No, sir; I never went with Mr. Turner anywhere.

Q. Did you not with some other officer?—A. No, sir.

Q. Did they go with you?—A. No, sir.

Q. Did you tell Turner at that time that you never got any money for voting for William Lorimer for United States Senator?—A. I did.

Q. And did you tell Turner at that time that you never received any money because you had voted for William Lorimer?—A. Yes, sir; I think I did.

Q. And that was the truth, wasn't it?—A. No, sir.

Q. It was not the truth?—A. No, sir.

Q. You were called in here to Chicago afterwards, weren't you?—A. Yes, sir.

Senator BURROWS. Mr. Witness, it is impossible to hear you.

The WITNESS. I will talk louder; I will try to.

Judge HANECY. And you told the state's attorney and the grand jury the same thing you told Turner or Tierney, did you not?—A Yes, sir.

Q. Yes. And you told that to a number of other people, didn't you?—A. Yes, sir.

Q. Did you have any talk with anybody in your county on the question of you having any influence in patronage matters?—A. I do not remember. I think possibly I did.

Q. With whom?—A. Well, I do not remember now if I talked with anyone about it. I talked about it to other associates, with possibly Mr. Shupe or Mr. Murray.

Q. Who is Mr. Shupe?—A. He is a newspaper man down home

Q. Well, did you talk with other of these gentlemen about it?—A. Well, I do not know, I do not remember. Possibly I did.

Q. Don't you know that you did?—A. I possibly did; yes.

Q. Well, don't you know you did?—A. I think I did.

Q. What did you talk with them about—about patronage in your county?—A. Well, I do not remember what talk we had.

Q. What was the substance of it?—A. I do not remember that.

Q. You do not remember anything about that at all?—A. No.

Q. Did you say to any of these people or these parties or anybody else that you were going to have something to say about the patronage in your county?—A. I think possibly I made those remarks.

Q. And did you say to any of those gentlemen or anybody else there that that is the only consideration that you ever got, or expected, for voting for William Lorimer?—A. I think possibly I made that statement; yes, sir.

Q. You said that to a good many people, didn't you?—A. Yes, sir.

Judge HANECY. That is all.

Mr. AUSTRIAN. The conversations——

Judge HANECY. Just one minute. Did you ever talk with Governor Deneen about this?—A. Yes.

Q. When?—A. Let us see now. I do not remember the exact date, ut it was after I had testified here before the grand judy.

Q. Where did you talk to him about it?—A. I did not say—I did ot talk about this matter; no. I called on Governor Deneen and sked him what he thought about my advisability of resigning the egislative office.

Q. Did he tell you to resign?—A. No, sir.

Q. No; you told him at that time what you had said about receiving money from Browne and Wilson?—A. I never talked to the governor about that at all.

Q. Did you talk with Governor Deneen after you had made the tatement privately, or publicly or generally, that you had received 1,000 from Browne and $900 from Wilson?—A. Yes, sir; I had alked with him after that.

Q. And you talked with him after the publication—after the statements had been published?—A. Yes, sir.

Q. So he knew, if he kept up with current events, that you said ou received $1,000 from Browne and $900 from Wilson, and he new that?—A. Oh, yes; he knew that; no question about it.

Q. And you talked with him in view of the questions as they xisted then?—A. Yes, sir.

Q. On the question of whether you should resign as a member of he legislature?—A. I went to ask him that question; yes, sir.

Q. He told you you should not?—A. He did not.

Q. What did he say?—A. He told me to ask Mr. Wayman's advice n that score; that he would have nothing to say about it directly.

Q. Did you tell him of the talk that you had with Turner or Tierney?—A. No, sir.

Q. You did talk about that to several people, didn't you; friends f yours?—A. You mean the talk I had with Tierney?

Q. Yes.—A. I think so; yes, sir.

Q. Did you ever talk with Deneen at any other time?—A. No, sir.

Judge HANECY. That is all.

Mr. AUSTRIAN. Mr. Beckemeyer, up to the time that you had testified before the grand jury in this county and admitted you had otten $1,000 and $900 did you say to anyone you had been bribed?—. No, sir.

Q. You denied that?—A. I did.

Q. Were those denials true or untrue?—A. Untrue.

Mr. AUSTRIAN. That is all.

Judge HANECY. I did not hear that last.

Senator BURROWS. The answer was it was untrue.

Senator JOHNSTON. I want to ask a question. This letter that was hown you, you say was dated one year later?

Mr. AUSTRIAN. Dated in 1909 and written in 1910, one year early?

Senator JOHNSTON. One year early.—A. Now, I guess it was vritten in that year; I received it at that time.

Q. It came through the mail?—A. Yes, sir.

Q. What became of the envelope?—A. I think I threw it in the vaste basket.

Q. Did you know this letter was antedated when you received t?—A. Yes, sir.

Q. Did it occur to you that the envelope was material to establish that fact?—A. It did.

Q. Why didn't you save it?—A. It occurred to me that it would be material at that time. I intended to use the letter; I had gotten it in 1910 instead of 1909.

Senator FRAZIER. Is that the reason that you destroyed the envelope?—A. Yes, sir.

Q. You wanted it to appear, then, that the letter had really been written in 1909 and received in 1909?—A. I did at that time; yes, sir.

Judge HANECY. And when did you change your wishes or desires in that respect; was it after you were indicted or told that you were indicated by State's Attorney Wayman?—A. I do not remember; some time after that.

Q. Yes; some time after that. That is all.

Mr. AUSTRIAN. That is all. May I call Mr. Newton?

Senator PAYNTER. I want to ask a question. You were asked by Mr. Austrian a moment ago if you were bribed to vote for Senator Lorimer.—A. I admitted that to him.

Q. In response to his question?

Mr. AUSTRIAN. I did not mean that; I meant for the payment of the $1,000.

Senator PAYNTER. I just wanted to know whether you desired to change your statement of the other day?—A. No, sir; I do not want to change that whatever.

Q. As to that, I just wanted to see what he says.—A. If I answered that question for Mr. Austrian I did not intend to do it.

Mr. AUSTRIAN. I meant for the receipt of the $1,000.

Senator PAYNTER. You received that as a bribe?—A. Well, I can not say that I did; that is a question of opinion altogether; a question of whether it is construed as a gift or a bribe; I don't know.

Q. You do not change your statement as to the facts you made before?—A. No, sir.

Senator PAYNTER. That is all.

Mr. AUSTRIAN. May I have Mr. Newton called—a very short witness.

JARVIS O. NEWTON, called as a witness herein, being first duly sworn by Senator Burrows, was examined by Mr. Austrian, and testified as follows:

Q. What is your full name?—A. Jarvis O. Newton.

Q. What is your business, Mr. Newton?—A. I am chief clerk of the State Bank of Chicago.

Q. What was your business on June 16, 1909?—A. The same.

Q. Will you look at the paper I now hand you, and will you be kind enough to tell to the committee what that is?—A. That is the deposit account by the Holstlaw Bank of Iuka, Ill., in the State Bank of Chicago.

Q. What date?—A. June 16, 1909.

Q. Can you tell from that deposit slip how that deposit was made?—A. In currency.

Q. How much is it?—A. Two thousand five hundred dollars.

Mr. AUSTRIAN. I desire to offer the deposit slip.

(Whereupon said deposit slip was marked "Exhibit 1–S," and the same is in the words and figures following, to wit:)

[Exhibit 1–S.]

K. F. L. 10–3–10.

(Deposit slip.)

STATE BANK OF CHICAGO.

Deposited for account of Holstlaw Bank, Iuka, Ill., 6/16, 1909.

Currency and coin_____
Checks on us_____
Checks on other towns_____
Dollars_____ Cents_____
Currency_____ $2,500
Gold _____
Silver_____
[Rubber stamp.]
Note teller,
June 16, 1909.
Checks on Chicago banks_____
P. O. and express orders_____
_____ Dollars _____Cents.
[In pencil] cy
Please see that all checks are properly indorsed.
[On the back, in pencil] H. N.

Judge HANECY. Did you receive this?—A. I did.
Q. I mean the deposit?—A. I did.
Q. And the slip?—A. Yes, sir.
Q. With whom have you talked about it since then?—A. No one tside the bank.
Q. How did you know what they wanted you for here?—A. That ntleman came over there from this committee and asked me to come er and testify.
Q. Who was that?—A. Mr. Schlessinger.
Q. That is, from Mr. Austrian's office?—A. I believe so.
Q. The State Bank of Chicago is Governor Deneen's bank; he is e of the largest stockholders, is he not?—A. He is a stockholder, it not one of the largest.
Q. Is he not one of the largest?—A. No, sir.
Q. Are you quite sure about that?—A. Yes.
Mr. AUSTRIAN. I object. What difference does it make whether overnor Deneen is a stockholder or has any stock in the bank?
Senator BURROWS. The witness has answered. Pass on.
Judge HANECY. That is all.
Senator GAMBLE. Do I understand you to say that Mr. Holtslaw rsonally deposited this money?—A. He did.
Q. On the date named?—A. Yes.
Q. And you received it from Holtslaw?—A. Yes.
Q. Do you recall the denominations of the bills or anything of at kind?—A. They were large bills; I could not say the exact nominations.
Mr. AUSTRIAN. I don't know just how to read that into the record, r. Chairman.
Senator GAMBLE. Can't you give it to them and let them make a py of it?
Mr. AUSTRIAN. Very well, and this can be returned to Mr. Newton. iat is all.
(Said exhibit has already been inserted.)

Mr. AUSTRIAN. I would like to call Mr. Broderick, if he is here. I would like him to take the stand.

Senator BURROWS. How about Mr. White; he is here.

Mr. AUSTRIAN. Yes; that will be satisfactory.

Senator BURROWS. Mr. White will take the stand.

CHARLES A. WHITE, recalled as a witness herein, having been previously sworn, was examined by Mr. Austrian, and testified as follows:

Q. You are the same Charles A. White who has been heretofore sworn in this investigation, are you not?—A. Yes, sir.

Q. Mr. White, did you have any talk with Joseph S. Clark with reference to the vote of Michael Link for Mr. Lorimer?—A. Yes, sir.

Q. When?—A. It was along last summer.

Q. Where?—A. The talk relative to the vote of Mr. Link for Mr. Lorimer was on the train going from Chicago down on the Chicago and Eastern Illinois.

Senator BURROWS. Mr. White, will you please direct your answers this way?

Q. Will you tell the committee what talk you had—what you said and what he said?—A. Mr. Clark told me that Mr. Link was willing to vote for Lorimer for $500, but that by him getting Link to hold out they got $1,000.

Judge HANECY. That was gone into before.

Mr. AUSTRIAN. But it was stricken out.

Senator HEYBURN. I would like to call attention to the condition of the record in regard to that.

Senator GAMBLE. Page 171.

Mr. AUSTRIAN. There was an order striking it out as hearsay.

Senator HEYBURN. The ruling is page 177. The chairman says:

For the time being the testimony will be excluded.

Mr. AUSTRIAN. Yes, sir. That is why I am putting this witness back. That is all.

Judge HANECY. When you were on the witness stand before, did you testify that Browne dictated the letter that was sent to the Belleville paper, Mr. Kearns's paper?—A. Not all of it——

Mr. AUSTRIAN. Just a moment. We have been all over that.

Judge HANECY. No; we have not.

Mr. AUSTRIAN. I beg your pardon, I recalled this witness just to answer one question, Judge Hanecy. He is here on the Belleville letter—to the Belleville Democrat. If the committee does not care I do not; but I do not want it charged up to me.

Judge HANECY. Repeat the question, please.

(Question read.)

Q. Did you say that Mr. Browne dictated that letter?—A. I said that he dictated most of it.

Q. Is it not a fact that you dictated the entire letter and then submitted it to him after it was typewritten?—A. No; I talked to Mr Browne about it first, and went out and dictated it according to what he told me, and then I brought the letter in and he made changes in it and I went back and had it changed again.

Q. And didn't you testify in the trial of the case of People *v* Browne that you dictated the letter and submitted it to him, and he made changes of one or two words in it?

Mr. AUSTRIAN. I object to that as not material.

Judge HANECY. Well, I will proceed with another question.

Q. Do you want to be understood by this committee that you did not know Fred Stermer, as you stated on a former hearing, or former examination?

Mr. AUSTRIAN. I object to that. We have gone all over Stermer. I just called him for one examination.

Judge HANECY. I will recall him for that, if you want me to go through the form of it.

A. I said I met Mr. Stermer there frequently.

Q. No. Did you say you did not know him; that he was not a friend of yours; you simply met him through Browne?—A. That is all, through Browne. Of course afterwards, after I met him through Browne and we ran around together, we had some talk.

Q. Look at this envelope and say whether that is in your handwriting.—A. Yes.

Q. Look at the letter that was in it and say whether that is in your handwriting, including the signature?—A. Yes, sir. I did that, because I had met him through Mr. Browne, and Mr. Browne had told me——

Senator BURROWS. You have been asked a question, and just answer that.

Mr. AUSTRIAN. I have no objection.

Senator BURROWS. Did you say that was your letter?—A. Yes, sir.

Judge HANECY. "Mr. Stermer, Briggs House, Fifth avenue and Randolph street, city," on the envelope, is in your handwriting?—A. Yes, sir.

(Which said exhibit last above referred to, marked "Exhibit I–Y," is in the words and figures following, to wit:)

[Exhibit I–T.]

K. F. L. 10–3–10.

(Exhibit in two parts, consisting of envelope and letter.)

[Envelope:]

[Seal.]

FORTY-SIXTH GENERAL ASSEMBLY,
STATE OF ILLINOIS,
HOUSE OF REPRESENTATIVES.
CHARLES A. WHITE,
O'Fallon, Ill.

Mr. STERMER, Mgr.
Briggs House,
City.

5th Ave. & Randolph.

[Letter head:]

FORTY-SIXTH GENERAL ASSEMBLY,
STATE OF ILLINOIS,
HOUSE OF REPRESENTATIVES.

CHICAGO, 2–6–10.

FRIEND STERMER: I would like to ask you to accommodate me with the loan of $10 for a few days. Up here with a couple of friends and run short of change.

Am going to run down home to-night at 10.15 p. m., will be back Friday.

Kindly keep this quiet.

Yours, CHAS. A. WHITE.

Am down at the Morrison Hotel, in Room C 6, with some gentlemen friends.

Q. Mr. Stermer was the manager of the Briggs House?—A. Assistant manager, the way he was introduced to me.

Q. And when you wrote this letter, you were stopping at another hotel, the Morrison House?—A. Yes, sir.

Q. And you knew Stermer well enough, while you were stopping at the Morrison Hotel, to write him and ask him to loan you $10 at that time, did you not?—A. Mr. Browne had told him if I wanted any money, either to get it——

Q. That is not what I asked you. Answer the question.—A. Through Browne, yes.

Q. Did Browne ask you to borrow that money from Stermer?—A. No, sir.

Judge HANECY. That is all.

Mr. AUSTRIAN. Did you stop at the Briggs House frequently when you were in Chicago?—A. Yes, sir.

Q. Mr. Browne always stopped there, didn't he?—A. I always knew him to stop there; I always met him there.

Q. Yes, sir. Mr. Stermer was the assistant manager of the Briggs House?—A. Yes, sir.

Q. You had been on these trips this summer, of 1909, with Browne and Stermer back and forward across the lake a number of times, had you not?—A. Stermer was not with us across the lake; we would meet him when we got in.

Q. Whenever you were on that trip, you went to the Briggs House either before or after, did you not?—A. Yes, sir.

Judge HANECY. You got the $10 you asked for in that letter?—A. Yes; and repaid it.

Mr. AUSTRIAN. I will have Mr. Groves called.

Senator BURROWS. Call Jacob Groves.

JACOB GROVES, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Austrian, and testified as follows:

Q. What is your full name, Mr. Groves?—A. Jacob Groves.

Q. Will you kindly address the Senators over here? Mr. Groves, where do you reside?—A. I live at Camp Point in this State.

Q. Were you elected a member of the legislature?—A. Yes, sir.

Q. When?—A. I was elected to the forty-sixth, in the fall of 1908.

Q. A Democrat or Republican?—A. A Democrat.

Q. And a member of the house I take it?—A. Yes, sir; I was.

Q. Were you in Springfield during the month of May, the greater part of the month of May, 1909?—A. Yes; I was there during the legislature.

Q. The joint session?—A. Yes, sir.

Q. Mr. Groves, do you recall the date of the election of Mr. Lorimer, which is conceded was on the 26th of May?—A. I presume it was. I did not keep any minutes or anything, but I presume it was the 26th.

Q. Well, it is conceded it was the 26th of May, 1909. That is a matter of record. Did you vote for Lorimer?—A. No, sir.

Q. Were you approached to vote for Lorimer?—A. Yes, sir.

Q. Will you tell this committee the entire transaction?—A. It was on the evening before Lorimer was elected. There was a gentleman approached me—that is, there was a knock at my door—and

id not reply at first; I was not sure that it was at my door. In a ew minutes there was a rap at the door. I said, "Who is there," nd he said, "A friend." I got up and opened the door, and he said hat he came to interview me on a matter——

Senator HEYBURN. What?

The WITNESS He came to interview me on some matter, and wanted ıe to keep quiet on the matter. He wanted to know if I was an)dd Fellow—a Mason first—and I said "No." He said, "Are you n Odd Fellow?" I said, "Yes." He said probably he could talk ɔ me, or something of that kind. I don't know what the words ere, and he went on to tell me that there was 40 or 42 Democrats oing to vote for Lorimer the next day for United States Senator, nd he would like if I could see my way clear to do the same. He ıought if I could vote for him that probably a couple more would o so, and he would like to make it unanimous on the Democratic ide for Lorimer. And he said it might be a good thing for both of s if I would do so. Well, I says to the gentleman, I says, "I am not oing into any such deal." I says, "There isn't enough money in pringfield to hire me to vote for Bill Lorimer." And he said, "I on't mean to do that; I do not mean to bribe you or hire you to vote ɔr Lorimer; you don't understand me." I was talking terribly)ud, and he said, "Please put down the transom." The transom as open over my door. I said, "I don't care whether the transom ; down or not, as far as I am concerned, and I don't care who hears hat I have to say on this matter." And he got up and walked out, nd he said, "I didn't come here with the purpose of bribing you hatever. You don't understand me." And I was talking kind of)ud, and he went out, and that is all there was said.

Q. Did you have any conversation with anyone else on the subject?

Senator BURROWS. Who was that man?

The WITNESS. That man was Douglas Patterson.

Mr. AUSTRIAN. Who was Douglas Patterson?—A. He was at one me a member of the legislature.

Q. He is an ex-member?—A. Yes, sir.

Q. He was a member of the last preceding assembly, was he not?—.. No, sir; I think not. I can't say whether he was or not.

Senator GAMBLE. What was his party, Republican or Democrat?—.. No; he was a Democrat.

Mr. AUSTRIAN. What other conversation did you have in reference) the subject-matter?—A. With Patterson?

Q. With him or anyone else?—A. Well, there was two or three)oke to me in regard to the matter.

Q. Who?—A. Mr. Henry Tyrrell, of Colchester, Ill., a member f the house.

Q. Who else?—A. Homer Shaw, a member of the house, and Mr.)onaghue, member of the house.

Q. Is Tyrrell a Republican or Democrat?—A. Republican.

Q. Homer Shaw, Republican or Democrat?—A. Democrat.

Q. Donaghue, Republican or Democrat?—A. Democrat.

Q. Will you state what they said and what you said?

Senator BURROWS. Just wait a moment.

A. Yes, the matter——

Senator BURROWS. Wait a moment. Would it not be well, Mr. ustrian, to take each one separately, the conversation separately.

Q. State what, if any, conversation you had with Tyrrell?—A. Mr Tyrrell told me he got a thousand dollars for voting for Lorimer.

Judge HANECY. I move that be stricken out, Mr. Chairman and gentlemen; that is the very thing that they have tried to besmirch this case with, and the parties interested, and I submit it is not any more competent than White's attempt to say that Clark told him or Luke told him that they had been bribed. When they are asked to state things directly they state things indirectly and say that somebody said to the witness that he got that. I submit it should go out of the record, and the question should not be permitted to be asked again to get it in the record, even for the purpose of striking it out.

Senator GAMBLE. I supposed the question was directed at what had occurred prior to the election. I did not understand this to relate to what had occurred subsequent.

Q. Were these talks prior or subsequent to the election, Mr Groves?—A. They were after the election.

Q. How long afterwards?—A. Well, I don't just remember how long they were.

Q. About how long? Was it before the session adjourned?—A. I think it was during the special session; I would not be positive about that. You know we had a regular session and special session in 1909; I think it was during that session.

Senator HEYBURN. Have you that date of the special session? It has been referred to before here, and it would be convenient to have it.

Mr. AUSTRIAN. I will find it.

Senator BURROWS. Was this conversation after the election?

The WITNESS. Yes.

Mr. AUSTRIAN. The conversation with Tyrrell was after the election?

The WITNESS. Yes.

Judge HANECY. It was not earlier than the middle of the following December, because the special session commenced the 14th of the following December.

Mr. AUSTRIAN. My recollection is that the legislature adjourned on the general session on the 4th of June and the special session commenced on the 14th of December; that is my recollection.

Senator FRAZIER. Is that conceded that the special session began on the 14th of December?

Mr. AUSTRIAN. We will agree to that, subject to correction.

Judge HANECY. I think that is so.

Senator GAMBLE. How long was the special session in session?

Mr. AUSTRIAN. Not very long; I think two or three weeks.

The WITNESS. A couple of months, I think.

Senator GAMBLE. What is the name referred to as the member the legislature?

Mr. AUSTRIAN. Henry Tyrrell.

Senator GAMBLE. Is Mr. Tyrrell living at this time?

The WITNESS. I think so.

Q. And still a resident of the State?—A. Yes; his home is at Chester, Ill.

Q. And still a member of the legislature?—A. Yes, sir.

Senator BURROWS. The committee, in conformity with its previous holdings, holds that this objection is well taken. The full committee

vill have some further consultation in regard to it, but for the)resent the committee adheres to its ruling.

Mr. AUSTRIAN. We ask, Mr. Chairman, that subpœnas issue for Henry Tyrrell, Homer Shaw, and—what is Mr. Donaghue's full ıame?

The WITNESS. Daniel Donaghue.

Mr. AUSTRIAN. We would like subpœnas to issue for them.

Senator BURROWS. Will you kindly hand them to the commission?

Mr. AUSTRIAN. Certainly.

Senator GAMBLE. Mr. Groves, were like conversations had with the ther two members of the legislature to whom you refer?—A. Not s positive.

Q. It was upon the same subject-matter?—A. The same subject; es.

Q. You need not state what the conversation was. As I understand, here were three whose names you have already given?—A. Yes, sir.

Q. Were there others?—A. No, sir; I don't remember of any thers.

Q. And this occurred, you stated, possibly in December, 1909?—A. Vell, with Tyrrell, but the other two gentlemen, I think, was during he regular session; I am sure it was.

Q. During what time?—A. During the regular session. That was ust a short time after Lorimer's election; that is my reason.

Q. With Tyrrell it was in December?—A. Yes; at the special ession a year later.

Q. Then the other two, the conversations were with them during he very last days of May or the first days of June, 1909?—A. Of the egular session; yes.

Q. Just toward the close of the regular session?—A. Yes, sir.

Senator FRAZIER. Were they members of that legislature?—A. Yes, sir.

Judge HANECY. Then, Mr. Chairman, I suppose the same ruling hat this honorable committee made on my motion to strike out would pply to the repetition of it on the questioning of Senator Gamble. hat is, I do not think he intended to have it repeated and put into he record again, but he said "similar conversations."

Senator GAMBLE. All I meant to be understood was that this evi- ence would be directed along the same line. It was a matter for the ıformation of the committee entirely. I did not want him to state hat the conversations were.

Judge HANECY. No; but the question was "similar." And that lentified it and made it the same. I suppose the ruling will be the ıme on that part, that it is not competent.

Mr. AUSTRIAN. Now, Mr. Chairman, that is all. But I ask leave) recall this witness afterwards.

Senator BURROWS. Certainly.

Senator FRAZIER. Are you through, Judge Hanecy?

Judge HANECY. No; I am not through. May I proceed?

Senator BURROWS. Yes; proceed.

Judge HANECY. Mr. Donaghue didn't vote for Lorimer for United tates Senator?—A. No, sir.

Q. Tyrrell didn't vote for Lorimer, did he?—A. No, sir.

Q. And Shaw didn't vote for Lorimer, did he?—A. No, sir; either one of them voted for him.

Q. Then all three were Democrats, weren't they?—A. No; Tyrrell is a Republican.

Q. Tyrrell is a Republican, is he. Donaghue and Shaw are Democrats?—A. Yes.

Q. You were there when the vote was taken for Senator Lorimer, weren't you, in the house?—A. Yes, sir; I was there.

Q. And members of every faction of all parties did vote for William Lorimer for United States Senator, didn't they?—A. I think so.

Q. Some of the closest friends of Governor Deneen in the house, in the joint session, voted for William Lorimer for United States Senator, didn't they?—A. I don't know as to that; I don't know whether they were his close friends or not.

Q. You knew W. B. Apmatamoc was one of his closest friends?—A. No; I didn't know that.

Q. You knew that Chester Church was a close friend and a member of the house, from Governor Deneen's own senatorial district, his home district?—A. Yes.

Q. You knew that Chester Church voted for William Lorimer?—A. I probably did at that time, but I don't remember now whether he did or not. I probably did know that day; yes, sir.

Q. You knew that Mr. Apmatamoc was a friend of his, didn't you?—A. Deneen's friend?.

Q. Yes.—A. No; I did not.

Q. You knew Senator Eccleston was a close friend of Governor Deneen's?—A. I can't say that I did.

Q. Did you know that Senator Billings was a close friend, from the first senatorial district of Illinois?—A. No.

Q. You knew that they voted for William Lorimer?—A. Probably I did that day, I wouldn't say who they voted for. The members on my own side of the house and some Republicans, I know how they voted.

Q. How is it you remember the very things that Mr. Austrian called you here for and do not remember other things that are equally important. Have you been talking with him or somebody on that side of the case?—A. The gentleman over there?

Q. Yes.—A. No; I have not.

Q. Have you talked with anybody about it?—A. Yes; I have.

Q. With whom?—A. Well, I don't know who he was now. This gentleman here [indicating John Callan O'Laughlin].

Q. John Callan O'Laughlin, of the Chicago Tribune; that is right, is it not?—A. I don't know who he is.

Q. Well, that man right there.—A. Yes.

Q. Well, that is John Callan O'Laughlin. When did you talk with him?—A. To-day.

Q. Where?—A. In this building.

Senator BURROWS. Witness, it is very difficult to hear you.

A. In this building.

By Judge HANECY:

Q. Did you ever talk with him before that?—A. No, sir.

Q. Did you know O'Laughlin?—A. No, sir.

Q. Did you ever see him before he came up and addressed you?—A. Not that I know of. I was introduced by Mr. Nixon; he introduced him to me.

Q. By whom?—A. Mr. Nixon, the sergeant-at-arms here.
Q. Mr. Nixon?—A. Yes.
Q. What conversation did you have with Mr. O'Laughlin, of the ribune?—A. Well, on the line of the evidence I have given here.
Q. I know, but won't you be kind enough to tell the committee, and e can probably judge as well as you whether it was on the same line r not?—A. Well, I told him that Patterson approached me, and hat I had said.
Q. Well, you didn't start right off and tell him that until he asked ou something, did you?—A. No.
Q. Won't you tell us the conversation? What did he say to you?—. Well, he asked me about who it was that approached me and I old him who it was.
Q. Was that the first thing that O'Laughlin said to you, to ask you ho it was that approached you?—A. I think it was; I don't remem-er just exactly.
Q. Did he know that somebody had approached you?—A. Yes.
Q. Who told him?—A. I don't know.
Q. How do you know that he knew that?—A. Well, because I new by his conversation that he knew who the gentleman was, but had never told him, so probably some of the state's attorneys had. I ad told them who it was.
Q. What state's attorney did you tell?—A. Mr. Burke.
Q. What other?—A. Well, I think that is all.
Q. You said something of the state's attorneys. Did you tell Mr. Vayman, of Cook County?—A. No; I don't remember of it.
Q. Or anybody connected with his office?—A. No, sir.
Q. Or any state's attorney, except Mr. Burke, of Sangamon ounty?—A. Yes.
Q. Is that right?—A. Yes; that is right. Well, I told the state's torney of my own county; that is the reason I said some state's torneys, who the man was.
Q. You did tell the state's attorney of your county?—A. Yes.
Q. What did Callan O'Laughlin say to you and you say to him?—. Well, he asked me about who it was that approached me and anted me to give my story, and I told him about the gentleman oming to my room and knocking on the door, and I failed to reply o the first knock; I wasn't sure it was my room, and directly in a w minutes he came back, and I asked who was there, and he told e that it was a friend, as I remember it.
Q. Did you tell O'Laughlin everything that you told this honor-ble committee here?—A. I think so, as near as possible; as near as could tell.
Q. And what did he say?—A. O'Laughlin?
Q. Yes.—A. Well, he didn't say very much to me about it, only to ank me.
Q. Yes, he thanked you. Did you ask Mr. Nixon, the sergeant-at-rms of the senate and of this honorable committee, to introduce ou to O'Laughlin?—A. No, sir; I did not.
Q. How did Nixon, the sergeant-at-arms of this committee, hap-en to introduce O'Laughlin to you?—A. Well, I was sitting in the oom there, and he said there was a gentleman wanted to speak to me.
Q. Nixon said there was a gentleman wanted to speak to you?—. Yes, sir.

Q. And then he introduced the gentleman that he said wanted to speak to you, did he?—A. Yes.

Q. And that was Mr. O'Laughlin?—A. Yes, sir.

Q. Is that right?—A. Well, this gentleman here, if that is Mr. O'Laughlin.

Q. That is his name; yes.—A. Yes, sir.

Q. Did Mr. O'Laughlin or anybody else say to you or indicate to you in any way that O'Laughlin represented this honorable committee in getting information from the witness before they got it?—A. I understood, in my talk with O'Laughlin, that he was getting the trend of my evidence here for the lawyer, this gentleman; that is what he told me. He wanted to know about what I was going to testify, and fix up the matter so the questions would be put to me along the lines of my evidence.

Q. He wanted to get that before you came before this honorable committee and testified, did he?—A. I suppose so. I supposed at the time that he was one of the attorneys. I didn't make any inquiries who he was or anything about it; I didn't know.

Q. Won't you answer my former question? Did he say or indicate in any way that he in any way represented this honorable committee in asking you for the information that you claim you gave him?—A. I don't think he did.

Q. You thought he represented somebody?—A. I thought he was one of the attorneys here; that is what I thought; but he didn't say he was. He told me he was getting this evidence to get it shaped up for the attorneys, so they could use it when I came on the stand.

Q. And that was this morning?—A. Yes, sir.

Mr. AUSTRIAN. Mr. Groves, you made a speech with reference to this same subject-matter and with reference to your being approached, on the floor of the house, didn't you?—A. Yes, sir.

Q. And it was published in all the newspapers?—A. All the papers in the United States, I guess.

Judge HANECY. Did you get all the newspapers in the United States?—A. Well, I say I don't know but what it was.

Q. I don't, either, and I don't know anything about it.—A. I don't, either.

Q. That is all I want about that.—A. I saw a good many papers though.

Mr. AUSTRIAN. Did Mr. O'Laughlin ask you to state anything except the truth?—A. No, sir.

Judge HANECY. That is objected to.

Mr. AUSTRIAN. Oh, yes; you want only a piece of it.

Judge HANECY. No; I want it all.

Mr. AUSTRIAN. Did you tell Mr. O'Laughlin anything that was not the truth?—A. No, sir.

Q. Did you tell him there exactly what you testified to here?—A. As near as I could, using the same language; yes.

Senator FRAZIER. Mr. Groves, when this man Patterson came in your room, what time of night was it?—A. That is something I could not swear to positively; I don't know. I had been asleep though.

Q. Was it early in the evening or late in the evening?—A. I thought it was late.

Q. Had you retired?—A. Yes; I had retired.

Q. Had you been asleep?—A. Yes; I think I had. I am sure I had.
Q. You don't know how long you had been asleep?—A. No, sir.
Q. Just tell again—I didn't quite catch what he said—with reference to it being profitable to you or to your advantage, both of you, if you would vote that way. What was it he said?—A. Well, he said it might be a good thing for both of us.
Q. Might be?—A. Yes; it might be. I thought he was going to make some proposal, and I told him I would not go into a deal——
Judge HANECY. I object to that.
Senator FRAZIER. What did you reply to that?—A. I told him I wasn't going into any such deal at all.
Q. Did he say anything further then about it?—A. Yes; I said there wasn't enough money in Springfield to hire me to vote for Bill Lorimer, and as near as I can remember the language, he said he wasn't going to do that; he didn't come here with the intention to bribe me; it wasn't his purpose at all.
Q. Then you made a speech in the house of representatives shortly thereafter, in which you detailed this matter of the man that approached you?—A. Yes; but I didn't use the name.
Q. You didn't call the name, but you detailed the facts in the house of representatives?—A. Yes; as I remembered it.
Judge HANECY. Did you do that while the vote was being taken?—A. I did that on the roll call.
Q. When it came to you on the roll call?—A. Yes.
Q. And before the vote was all cast or announced for United States Senator, I mean?—A. Yes, sir.
Q. You and all the other members of the joint session were very tired of that session and wanted to break the deadlock and get home, weren't you?—A. I can't say anything about what all the others wanted; I know I was getting tired of it.
Q. Wasn't that the general expression, whenever there was any expression on the subject, everybody wanted to go?—A. I think I heard that mentioned; yes.
Q. And the joint session continued longer than any other had for a great many years, hadn't it?—A. I think so; yes.
Q. And the session of the legislature continued longer than any other session had for a great many years?—A. It is my recollection that it did, but not very much longer.
Senator FRAZIER. Mr. Groves, when you said to this man Patterson that there wasn't enough money in Springfield to hire you or bribe you to vote for Lorimer, was it at that time that he requested you not to talk so loud and closed the transom?—A. Yes; about that time.
Judge HANECY. Mr. Lorimer's name had been discussed as a probable candidate or as somebody that people wanted to become a candidate, was it not, for some time before that?—A. I think I heard his name mentioned; not very often, though.
Q. Well, it was discussed considerable, was it not, before the 26th?—A. Not very considerable in my presence. I heard it a few times, but not often.
Q. Well, for some considerable time before the 26th of May, you heard that, did you not?—A. Well, I couldn't say that I did.
Q. Well, how long before the 26th was it?—A. I heard a few days, as a rumor, you know.

Q. Was it a week, ten days, or fifteen days, or how long?—A. I won't say, but I don't think it was a week, but I would not say positively; that they were going to elect William Lorimer to the United States Senate. I didn't believe they would do it.

Mr. AUSTRIAN. This witness would like to be excused and go home now. He will return upon telegram, if he is wanted.

Senator BURROWS. If you are released now, will you return if a telegram comes for you?

The WITNESS. If I am able to. I am not in very good health; that is one reason why I would like to be excused. I have gone down from 220 to 156 pounds.

Senator GAMBLE. How far is your home from here?

A. My home is 241 miles. I will come back, however.

Senator BURROWS. Can you remain, without any inconvenience, until to-morrow?

The WITNESS. Well, I think I could, but I would prefer to go home; I have some fever now.

Judge HANECY. You are near Quincy?

The WITNESS. Twenty-two miles east of Quincy; yes.

Senator BURROWS. Mr. Groves, we will have to ask you to remain until to-morrow and make yourself comfortable, and it may save you another trip back here.

The WITNESS. All right.

Mr. AUSTRIAN. May I ask what other witnesses are here?

Senator BURROWS. I understand Mr. Broderick is here.

Judge HANECY. Where is Mr. English? He is on the list as one of your witnesses.

Senator BURROWS. Is Mr. English here?

Mr. NIXON. He is not here, sir.

Senator BURROWS. The committee will call Mr. Broderick, John Broderick.

John Broderick, called as a witness herein, having been first duly sworn by Senator BURROWS:

Mr. DAWSON. Mr. Chairman, if you will permit me; my name is Dawson; I am the attorney for Mr. Broderick. I would like to make a statement to the chairman and members of the committee with regard to my client. He is here in response to your subpœna, and has been willing at all times to respond to it. For a day or two he has been trying to get in touch with me, and succeeded only Saturday in doing so. I represent him, in connection with a number of gentlemen in Springfield, in a matter. He is charged there with bribery in connection with the election of Senator Lorimer. Mr. Broderick appears here this morning willing to testify fully in regard to the charges made by Mr. Holstlaw or anybody else with reference to his promising money or any valuable consideration, or the giving of money, in consideration of the promise or obligation which it has been alleged he made to Holstlaw. He is willing at this time to answer any questions put to him with respect to those charges; but as his attorney, after consultation with the other attorneys in the case, and realizing the gravity of the charge in the indictment down there that he has to meet in the very near future, we at this time would seriously object to his giving any details in connection with the times and places stated that Senator Holstlaw alleges that he

ave him the money, meaning on the 16th day of June, or a later day, s it is alleged. I think this would be disposing of his defense. The rial is not on there yet. It will take place in the near future. He lso is a candidate and has been renominated for the position he ow holds and has held for two terms—senator from the district hat he represents.

Now, I do not want to come in here, and I won't advise him, and ounsel do not feel that it should be necessary in order for him to rotect his rights, for him to stand upon any constitutional rights hat he has. If you limit the inquiry along the lines I have suggested, e is ready at this time to go on the stand and state fully and reply ully to the charges that have been made before your committee gainst him.

Senator FRAZIER. When will that case pending in Sangamon County probably be tried? When will the court meet next?

Mr. DAWSON. I understand from the information that I have obained from State's Attorney Burke, of Sangamon County—I was here last week—and from his assistant—he happened to be away hen I arrived there and was down here, I believe—that that will be he next case tried after the disposition of the Clark and Pemberton ase down there, which is set for the 19th of the present month. In ll probability, it will follow upon the trial of that case.

Senator GAMBLE. When, in the ordinary course, do you think the rial of the case will be disposed of there?

Mr. DAWSON. I should imagine it will be put on early after the November election, from the best information I can obtain, possibly he 9th or 10th, or thereabouts, of November—probably it will take a eek or ten days.

I would say this further, gentlemen of the committee, that he is eady at some subsequent time to tell all the details in connection with he charges pending before you here at any place you might name, fter the trial of his case. But our reasons for this is, it is a matter f defense. He is charged with bribery, which entails a punishment f from one to five years in the penitentiary, and we feel that we can ot conscientiously allow him, although he would be desirous of so oing, to go on and testify fully here this morning; that in the performance of our duty, after a consultation with the other gentlemen n the case, that we would be remiss in our duty to him if we permitd him at this time to testify about certain details. But he is ready o meet this charge—that is, namely, whether he in any way promised ny money or any other valuable thing or gave any money or any ther valuable thing to Holstlaw or any other man in the legislature.

Senator GAMBLE. That part of it he is entirely willing to go into?

Senator HEYBURN. Or has knowledge that money or other valuable ing was given by another?

Mr. DAWSON. He is ready to meet that now.

Mr. AUSTRIAN. That is all we are investigating here, as I underand it, and I do not see any exercise of any constitutional rights at ll; that is all we are inquiring about.

Senator HEYBURN. I would ask, What is the reserved question? Whether he himself received money or not for voting for Lorimer?

Mr. DAWSON. Whether he promised any to Holstlaw or gave any to Holstlaw.

Senator HEYBURN. That is not reserved, I understand.

Mr. DAWSON. No.

Senator HEYBURN. What is reserved?

Judge HANECY. He is ready to tell whether he got any money, too, isn't he?

Mr. DAWSON. He is.

Mr. AUSTRIAN. Well, there is no reservation about it.

Judge HANECY. Yes; there is.

Mr. AUSTRIAN. What is reserved?

Judge HANECY. That he does not want to be interrogated in detail. There has been a statement made here that on or about the 16th day of June, in the city of Chicago, that Mr. Broderick gave Mr. Holstlaw $2,500 at a certain place, naming his place of business in Chicago. Questions might arise here and he might be interrogated relative to various matters with respect to that. Those details at this time we feel that he should not be compelled to disclose because of the defense that he has to make down there.

Mr. AUSTRIAN. May I make a suggestion to the committee? I can not get clearly into my mind what counsel is willing to have the witness answer and what he will object to. Is it not the best way to proceed with the examination, and when the question arises to allow the witness to avail himself of his constitutional privilege if he has one?

Mr. DAWSON. I want to save the time of the committee, if possible

Judge HANECY. Mr. Chairman, I understand from Senator Dawson he has not claimed any constitutional privilege here.

Mr. DAWSON. No.

Judge HANECY. But he is asking this committee not to compel him to tell certain details that might be used against him down in Sangamon County, where he has to defend against an indictment I do not know whether I am disclosing anything I should not or not but one of the details I can see might be quite important was the names of the witnesses that he might intend to prove his defense by

Mr. DAWSON. That is exactly the position.

Judge HANECY. And he should not be compelled to tell that. That does not go to the question of whether or not he paid Holstlaw money or whether anybody paid Senator Broderick money.

Mr. AUSTRIAN. Well, I suppose the question that he will object to will arise when it is put. There is no use speculating on it.

Senator PAYNTER. You want some assurance from the committee before he commences to testify?

Mr. DAWSON. Yes.

Senator PAYNTER. As to the main question. I understand that you will be willing to go ahead and tell about the Holstlaw transaction?

Mr. DAWSON. Yes.

Senator PAYNTER. But you would want the inquiry limited or confined to that alone?

Mr. DAWSON. Yes; for this reason: We might proceed here and get to a certain stage; now, we might from the initiative of the hearing be compelled to take a position at once, if we knew, with respect to these details; we would not have the opportunity of stopping right then and there.

Senator PAYNTER. Your idea is to get an assurance in advance, so as to advise your client?

Mr. DAWSON. Yes; I would like to have the committee pass on that phase of it. I have tried to make my position plain.

Mr. AUSTRIAN. I do not suppose the committee can lay down the rule whether they are going to permit a question to be answered until the question is asked.

Mr. DAWSON. The explanation I have made and the remarks of Judge Hanecy show the phase of our defense that might be gone into. The details in connection with the payment as alleged on or about the 16th of June or subsequent to it; that we do not want to go into at this time. Anything else we are open here to testify to. It seems to me that proposition could be passed upon by the committee in advance.

Mr. AUSTRIAN. If I understand you correctly, Mr. Dawson, you do not want the committee to interrogate Mr. Broderick with reference to the payment of any money alleged to have been paid in June or July, 1909.

Mr. DAWSON. No; that is not my position.

Mr. AUSTRIAN. Then, let us go on with it then.

Mr. DAWSON. That is not my position, but the detail of the circumstances surrounding that payment at that time. We will meet the question if put squarely to Senator Broderick if he paid on the 16th day of June, or thereabouts, any money to Senator Holstlaw. We are ready to have him answer that, and he will answer that.

Senator FRAZIER. But you do not want him to answer any of the facts and circumstances surrounding that incident?

Mr. DAWSON. Surrounding that incident, at this time. It is a matter of our defense that is very important. We do not know what may confront us in Sangamon County on the trial of this case, what supplemental statement Holstlaw will make or anybody else. In appearing before this committee we must protect our client's rights fully.

Senator GAMBLE. I think there is a question of the payment of $700?

Mr. DAWSON. Yes.

Senator GAMBLE. You are ready to testify in regard to that?

Mr. DAWSON. We are ready to give that.

Senator PAYNTER. You would not want a full cross-examination relative to the facts and circumstances outside of whether he paid the money; is that the idea?

Mr. DAWSON. At this time.

Judge HANECY. I have had a number of conferences with Senator Dawson about this matter with a view of having this testimony come out.

Senator BURROWS. Judge Hanecy, did you desire to make any remarks?

Judge HANECY. Yes; Mr. Chairman and gentlemen, I have had a number of conferences with Senator Dawson about this matter, and he has always expressed a willingness to have his client go on and testify, and I understand his client has not only expressed a willingness but an anxiety to go on and testify on this matter, on everything, his client said. But when his attorneys came to consult in the matter they saw that on cross-examination, with the liberal scope that is given to the cross-examiner here, that a whole lot of details may be developed here as to those present on a certain occasion, and so forth,

and compel the witness to tell those details and then have those details used either for somebody claiming to represent this committee or somebody else to go and talk with the witnesses and deter them from testifying in his defense there or affect their testimony in some way. It is not necessary for me to state how it might be done to this honorable committee, composed entirely of lawyers. That is the thing that Senator Dawson, I understand, and his associates are objecting to, to have their client give in to this committee, but so that it may be used to aid the prosecution in the case against him down there or hamper this witness in his defense when he goes down there on the trial on the indictment. I understand he is willing to tell all those details and any other details that this committee may want after that trial down there. He will go on here, Senator Dawson has said to me, and tell whether or not he received any money from anybody to pay to Holstlaw or anybody else, or to influence his vote for Senator Lorimer. He will go on and tell whether or not he paid any money to Senator Holstlaw on the 16th of the month or any other time, and he will go on and tell whether or not he paid any money to Senator Holstlaw at the time Senator Holstlaw said he received $700 from him, and he will tell anything else in relation to any payments of money by anybody to Senator Broderick or by Senator Broderick to anybody, but he will not tell, as I understand it, the names of the witnesses that were present at different times or that he relies on or will rely on for his defense when he goes down there.

Now, Senator Dawson and his associate counsel in that case are of the opinion, or were, that they ought to claim their privilege, if they claim it at all, and they say they do not want to claim it, at the beginning, and if the committee is going to compel them to disclose matters that will embarrass them in their defense down there or tell the prosecution long in advance of the trial down there what his defense will be and the witnesses by whom he expects to sustain his defense, then he will probably have to claim his privilege, but that is the only thing he wants to claim it on. Now, if I have overstated anything I hope Senator Dawson will correct it.

Senator PAYNTER. Judge, is it not a most difficult thing for the committee to determine as the case progresses, as to whether this question or that question should be answered with reference to the testimony of the witness, or counsel to withhold or tell it, as the case may be? I do not see how it can be done very well.

Judge HANECY. I was going to suggest this, Senator Paynter, that if this honorable committee will permit Senator Dawson to make the objection—he does not represent anybody in this case—but if you will permit him to make an objection when he thinks a disclosure will be made that might affect his defense down there, I suppose that is all he will care for.

Senator PAYNTER. Well, I am not expressing any opinion, but the question is, if he goes upon the stand and gives testimony with relation to these two transactions to which Senator Holstlaw refers whether or not then he has any right to claim any privilege at all so as to prevent a cross-examination. I don't know as to that; I am not expressing any opinion on that subject at all.

Judge HANECY. I suppose he would have his right to claim his privilege at any time, at any part of the proceeding, because it is constitutional, and it may be raised by him or anybody representing

him at any time. But, as I understand it, Senator Dawson did not want to appear to be at all discourteous or breaking in here making objections in a proceeding he was not a party to and have his motives or actions misconstrued by the committee. I think that is the only thing that he desires to reserve, from my talk with him.

Senator DAWSON. That is all.

Mr. AUSTRIAN. Mr. Chairman, I really do not see what all this debate is about. Mr. Dawson gets up and says he has no objection to the witness testifying except on certain things, and Judge Hanecy gets up and approves what Mr. Dawson said, that it is true. In the language of Shakespeare, "My lady, I think, doth protest too much." If any objection arises and is well taken by the witness, Judge Hanecy, or anyone else, I presume the committee will entertain it. That so far as I am concerned, I am willing to examine Mr. Broderick without asking the name of a single witness. I do not want to know who was in his saloon when he paid the money or who he talked to or anyone else. I want to know about those two transactions. And if my cross-examination is improper, the Chair will stop it.

Mr. DAWSON. Let me ask a question, Mr. Austrian. Will you ask anything relative to the date of the 16th day of June or subsequent date?

Mr. AUSTRIAN. Of course I will ask something about the time, and I will ask where he got the money, and I will ask who he paid the money to, and I will ask him under what conditions he paid the money, and whether he was indebted to Holstlaw, and everything about it. Of course I will. But I will not ask the name of a single witness, and you need not be fearful of that.

Senator PAYNTER. Mr. Dawson, supposing the committee would suggest in advance that you would allow your client to testify with reference to this transaction and stop there. Now, at a subsequent time counsel or Mr. Austrian possibly may want to examine in regard to all those details; would that necessitate bringing the witness back at some time? Supposing he is tried and convicted or acquitted, as the case may be, the committee would still want this cross-examination.

Judge HANECY. And he is willing to do that, I understand.

Mr. DAWSON. We would not have any objection to that, Senator, if it came at a time subsequent to his trial.

Senator PAYNTER. Yes.

Mr. DAWSON. Go to Washington, or any other place where your honorable committee might meet or sit.

Senator PAYNTER. Then, is there enough to be gained by a partial examination?

Mr. AUSTRIAN. I am willing that the committee examine him and have it entirely and exclusively within their own jurisdiction.

Senator FRAZIER. Mr. Dawson, if I understand you, you do not desire at this time to plead any constitutional rights you have for your client to protect him against the subpœna of this committee; that is, testifying at all?

Mr. DAWSON. No.

Senator FRAZIER. You are willing for your client to testify to certain designated facts to which you have referred, to wit, the alleged transaction with Senator Holstlaw, but you are not willing that he

may be cross-examined with respect to the details of those two transactions?

Mr. DAWSON. That is our position.

Senator FRAZIER. In other words, you are willing for your client simply to state the fact that he did or did not pay certain money to Senator Holstlaw on those two occasions, but you are not willing for him to be cross-examined as to any of the facts and circumstances surrounding that transaction.

Mr. DAWSON. That is our position.

Judge HANECY. Do you mean any of the facts and circumstances, or only certain facts and circumstances?

Mr. DAWSON. Relative to the alleged payment of the money.

Mr. AUSTRIAN. Then, in other words, if he says "No," then we are to be bound by it.

Judge HANECY. No, you are not; you can contradict him.

Mr. AUSTRIAN. But I can not cross-examine him.

Judge HANECY. Yes; you can.

Mr. AUSTRAN. Do you represent this man or does Senator Dawson?

Senator BURROWS. Wait a moment, please. The committee understands the request thoroughly and desires to give it consideration, and we will therefore adjourn at this time until 2 o'clock this afternoon.

(Thereupon the committee adjourned until 2 o'clock p. m.)

AFTERNOON SESSION.

MONDAY, *October 3, 1910.*

The committee met pursuant to recess, and the following further proceedings were had:

Senator BURROWS. Is Mr. Broderick here?

Mr. AUSTRIAN. Just a moment——

Judge HANECY. I have sent for Mr. Gloss.

Senator BURROWS. I want Mr. Broderick.

John Broderick resumed the stand, and testified as follows, to wit:

Senator BURROWS. In this matter the committee can not entertain the proposition that if this witness proceeds with his testimony, the ordinary rules of evidence or the practice in the examination of witnesses shall be suspended, but the examination must proceed, both direct and cross, until there is some objection made by the witness or his counsel to the answer that the question proposes.

In view of the importance of the matter, the committee will ask that this witness be withdrawn at this time and counsel proceed with some other witness, and the matter will be determined at the opening of to-morrow's session.

Q. You will be here to-morrow, at that time, will you Mr. Witness?—A. I will be here.

Q. At 10 o'clock?—A. Yes.

Mr. AUSTRIAN. Mr. Chairman, we have asked the committee to issue subpœnas for a certain number of other witnesses who as yet have not appeared.

Senator BURROWS. Hand me the list.

Mr. AUSTRIAN. I will in five minutes. Mr. Chairman, with that reservation—that is, these witnesses who have not yet appeared, and such other witnesses as their testimony may disclose, we rest.

Judge HANECY. Mr. Chairman, I would like, before I proceed, to know just what their case is. The statement is made about "some

other witnesses" or "such other witnesses whose names they may disclose." That is extremely indefinite.

Senator BURROWS. I understand from counsel that the list of witnesses will be furnished—will be furnished to the committee?

Mr. AUSTRIAN. Yes; there are only three—Donohue, Tyrrell, and Shaw. Mrs. Luke has not yet responded to the subpœna. Lee O'Neill Browne has not yet responded. Mr. Wilson has not yet responded, nor Mr. English and Mr. Broderick—that is, Mr. Broderick is not yet testifying—he has not yet testified.

Judge HANECY. Mr. Broderick is here.

Senator BURROWS. Mr. Broderick is here, and I understand Mr. Browne is in the next room.

Mr. AUSTRIAN. Is he?

Judge HANECY. Mr. Broderick is here, and I understand Mr. Browne is in the next room.

Mr. AUSTRIAN. Then, let us call Mr. Browne. Mr. Browne may not have all of these constitutional reservations.

Judge HANECY. I understand the same question relates to both Browne and Broderick.

Mr. AUSTRIAN. In the first place, the question of privilege is only one that can be availed of by the witness himself. There is no such thing as availing of it through counsel, and Mr. Browne can not avail himself of that so-called privilege that way. I do not intend, and I hope this committee will not conclude that we have closed until these various witnesses have been disposed of.

Judge HANECY. We want these people here, too, Mr. Chairman.

Mr. AUSTRIAN. You do not want them any worse than we do, and they are not here. I do not intend to make an argument as to their not testifying, Judge Hanecy.

Senator BURROWS. There will be no disposition on the part of the committee to shut out any of the testimony.

Mr. AUSTRIAN. That is my understanding.

Senator BURROWS. This is an investigation.

Mr. AUSTRIAN. Certainly.

Senator BURROWS. And it is a committee, and it is not trying a lawsuit.

Mr. AUSTRIAN. No.

Senator BURROWS. And the committee is seeking the truth of this matter, and will not always be governed by the regular rules of proceedings in the courts where trials are in progress. The committee has asked this witness to stand aside for the time being that it might examine the question presented, and in the meantime to occupy the time of the committee with some other witness. Judge, have you any witness that you can present at this time?

Judge HANECY. I would like to call Mr. Dawson, counsel for Mr. Broderick. This record shows at a number of different places, in executive session and outside of it, that great efforts have been made to get Mr. Browne, but apparently he had secreted himself, or something of that kind. I only want to call Mr. Dawson, and I may want Mr. Nixon, to show that Mr. Dawson, counsel for Mr. Broderick, telephoned to Mr. Nixon for information, and said last Saturday that he, Mr. Dawson, would have Mr. Broderick——

Mr. AUSTRIAN. Let us have the testimony.

Judge HANECY. And that Mr. Nixon, the sergeant-at-arms, told——

Mr. AUSTRIAN. Let him testify.

Thomas Dawson, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Judge Hanecy, and testified as follows:

Q. Mr. Dawson, you are a practicing attorney at this bar and have been for several years last past?—A. Yes.

Q. You were Democratic state senator from one of the senatorial districts from Chicago to the state senate?—A. Yes, sir.

Q. And you are now one of the attorneys for Senator Broderick?—A. Yes, sir.

Q. In the Sangamon County case?—A. Yes.

Q. Will you be kind enough to tell this honorable committee whether you communicated with Mr. Nixon, the sergeant-at-arms of the committee, as to how he could subpœna or get, or you could get for him, the presence of Senator Broderick?—A. I notified Mr. Nixon on Saturday, Saturday afternoon, in the early part of the afternoon, that Mr. Broderick was in my office, and that I would see that he was before this committee not later than 10 o'clock, Monday morning, to-day. He said that would be very satisfactory. I told him at that time that Mr. Broderick had been endeavoring for at least twenty-four hours to try to get in communication with me, and had spent a large part of the previous day in my office, probably four hours, and that the first opportunity I had to discuss his case with him was at that time when I notified him.

Q. Were there any proceedings in the case of People *v.* Broderick before the criminal court of Sangamon County last week?—A. Yes; last Wednesday.

Q. When was the first of these matters set down there—when did they start?—A. Well——

Q. I want to know when you and Senator Broderick went down there in the cases which were set there?—A. Last week. I went down, I believe, Sunday night.

Q. A week ago yesterday?—A. A week ago yesterday, and I had notified him to be there Tuesday.

Q. Was he there?—A. He was there Tuesday morning.

Q. Were you there, then, after that up to what time?—A. Up to Thursday afternoon about 2.30. Senator Broderick remained until midnight of Wednesday, and, I believe, he left for Chicago.

Q. You got back Thursday?—A. I got back Thursday night.

Q. You left there Thursday afternoon about 2 o'clock, and got back here Thursday night?—A. Thursday night about 8 o'clock.

Q. Then, Saturday morning you notified Mr. Nixon?—A. Yes, sir.

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. You just answered Judge Hanecy that you notified Mr. Nixon Saturday morning. Now, do you wish to correct that?—A. Well, if I said——

Judge HANECY. He didn't say "Saturday morning."

Mr. AUSTRIAN. He did. Read the last question and answer and see if that is not right.

(Last question and answer put by Judge Hanecy was read by the reporter.)

Mr. AUSTRIAN: Yes. Now, do you wish to correct that?—A. I do want to correct that and make it Saturday afternoon, as I previously stated.

Q. Now, you represent Senator—State Senator—Clark, Joe Clark, member of the legislature?—A. Where?

Q. In any proceedings instituted against him or with reference to any inquiry arising out of legislative matters in the forty-sixth general assembly?—A. Yes.

Q. Do you represent, or have you ever represented, or given any advice, or advised with Henry A. Shephard?—A. Yes.

Q. Have you ever advised with or represented in any proceedings arising out of that matter Lee O'Neill Browne?—A. Yes.

Q. I will ask the same question with reference to any other member of the legislature, including Mr. Wilson. Have you represented Mr. Wilson or advised with him?—A. I advised with him; I have advised with him, yes, many times.

Q. I mean arising out of this subject-matter?—A. Yes.

Q. Now, isn't it a fact that Mr. Broderick returned to the city of Chicago Thursday morning?—A. I don't know.

Q. You returned on—you were in Chicago on Thursday morning, were you not?—A. Thursday morning——

Q. Those proceedings were terminated in Springfield on Wednesday, were they?—A. They were terminated Wednesday evening.

Q. Wednesday evening. Isn't it a fact that you arrived in Chicago, or were in Chicago, on Thursday?—A. Thursday morning, after 8 o'clock.

Q. And isn't it a fact that Mr. Broderick was in Chicago on Thursday?—A. He may have been.

Q. Didn't you see him here, Mr. Dawson—met him; hear from him?—A. Did I see him? No.

Q. Or hear from him?—A. I had a communication through a friend of his; yes.

Q. Now, did you know a subpœna had issued by this honorable committee for Mr. Broderick before Saturday?—A. I did not know that a subpœna had issued.

Q. You did not know that this committee were endeavoring to find Mr. Broderick before Saturday?—A. Yes.

Q. You did not see nor hear nor communicate with Mr. Broderick before Saturday?—A. I telephoned to his place of business and tried to reach him.

Q. As a matter of fact, haven't you been in and about this hotel ever since last Thursday—Thursday night?—A. I believe I was in this hotel Friday. I was not here Thursday night.

Q. As a matter of fact, haven't you conferred with Joe Clark in this hotel before he went upon the witness stand?—A. I have talked to him.

Q. And Mike Link?—A. I said "How do you do?" to Mike Link.

Q. Didn't you confer with Shephard before he went on the witness stand?—A. Yes.

Q. And J. H. De Wolf before he went upon the witness stand?—A. No; I did not confer with him.

Q. You did not have any conversation with him?—A. Yes; I had a conversation.

Q. Now, Mr. Dawson, you say Mr. Broderick was in your office for several hours?—A. So he informed me Saturday.

Q. Had he been there the previous day, on Friday?—A. Yes.

Q. For several hours?—A. Yes.

Q. And you never ascertained that fact, did you, until Saturday?—A. I was told it on the evening of Friday by——

Q. I beg your pardon.—A. I was told on the evening of Friday that he had been in my office—one of the boys telephoned me.

Q. You say you notified Mr. Nixon?—A. Yes.

Q. And when did you ascertain that a subpœna had issued for Mr. Broderick?—A. I never really knew that a subpœna had issued, but I saw a telegram that had been sent by Mr. Nixon to the St. Nicholas Hotel on Wednesday night, which was received Thursday morning, and the clerk told me that there was a telegram for Mr. Broderick.

Q. Did you open it?—A. I did.

Q. That was from Mr. Nixon, sergeant-at-arms?—A. Yes.

Q. And you opened it Thursday?—A. Yes.

Q. And you then knew that this committee desired to have Mr. Broderick attend upon these hearings?—A. Yes; and I called him on the telephone the very first opportunity I had.

Q. You did?—A. Yes.

Q. You say you notified Mr. Nixon Saturday afternoon that you would produce Mr. Broderick, did you?—A. Yes.

Q. When did you tell him that you would produce him?—A. Not later than 10 o'clock this morning.

Q. When did you tell Mr. Nixon that fact?—A. One or 2 o'clock, I should judge, Saturday afternoon, I think it was.

Q. Didn't Mr. Nixon ask you if he might subpœna Mr. Broderick?—A. I told him that would not be necessary.

Q. Didn't he ask you whether he could subpœna Mr. Broderick?—A. I do not believe he did.

Q. Didn't he, as a matter of fact, cause Mr. Broderick to be subpœnaed Saturday night?—A. He has informed me that he did not.

Q. Wasn't Mr. Broderick subpœnaed Saturday night?—A. I do not believe he was by any of Mr. Nixon's men.

Q. Wasn't Mr. Broderick subpœnaed Saturday night?—A. I don't know whether he was properly subpœnaed or not. Now, I understand from the conversation I had——

Q. I am not asking you that.—A. Well, this relates to whether he was subpœnaed or not. Mr. Nixon said none of his men subpœnaed Broderick, but Mr. Broderick brought in here to-day the copy of what purported to be a subpœna, and Mr. Nixon told him that was not served by his men, and there was an alteration on there in lead pencil made by somebody, and Mr. Nixon said that it was not his subpœna and it was marked "Copy of subpœna," and it had no binding force or effect at all on Broderick unless he acknowledged service on it.

Q. Mr. Nixon told that?—A. He told him that a few minutes ago.

Q. Don't you know, as a matter of fact, that this committee directed its subpœnas to be issued for the purpose of apprehending Mr. Broderick?—A. I could not say as to that, sir.

Q. You never communicated with Mr. Hanecy or any number of the lawyers who represent Mr. Lorimer in this investigation with

reference to Mr. Broderick's appearance here, did you?—A. I did not discuss Mr. Broderick with Judge Hanecy at all.

Q. At no time?

Judge HANECY. I desire to object to the language of counsel, and ask to have it stricken out, and he not be permitted to use that language. There is no proceeding that this committee can issue that will apprehend Mr. Broderick.

Senator GAMBLE. Does it appear that the subpœnas were issued?

Mr. AUSTRIAN. They were issued on the order of this honorable committee, I believe, on last Friday. I am not sure. I mean subpœnaes, copies of the subpœnaes. I think it was last Friday. The original subpœnaes were issued long before that.

Senator BURROWS. Mr. Austrian, can't you use some other word?

Mr. AUSTRIAN. Besides "apprehend?"

Senator BURROWS. Yes; some other word besides "apprehend."

Mr. AUSTRIAN. If I had known that it was going to cause all of that argument I would not have used that word for a good deal.

Senator GAMBLE. The original subpœnas will show the date they were issued.

Senator BURROWS. The word "apprehend" can be stricken out.

Judge HANECY. That is all I desire.

Senator BURROWS. Proceed.

Mr. AUSTRIAN. You say you did not confer with any counsel for Mr. Lorimer. Is that correct?—A. About what?

Q. About this matter of the appearance of Mr. Broderick before his committee?—A. No.

Q. Nor about whether he should testify?—A. No.

Q. At no time?—A. No.

Q. You heard Judge Hanecy's statement this morning, didn't you?—A. I heard no statement of Judge Hanecy. About his testifying?

Q. But you were here in the room?—A. I told Judge Hanecy——

Q. Just a moment; I am cross-examining you, Mr. Dawson. I would like to know whether or not you heard a statement of Judge Hanecy with reference to Broderick testifying here?—A. Yes, sir.

Q. Was that statement correct or incorrect?—A. Yes.

Q. Then, you did have a conference with Judge Hanecy about Mr. Broderick testifying, didn't you?—A. Yes, sir.

Q. When?—A. Will you let me explain?

Q. You can explain it when I am through.—A. All right.

Q. When?—A. Oh. some day last week, before any subpœnas—before I knew any subpœnas were issued.

Q. Mr. Dawson, Mr. Broderick is perfectly willing to testify here, isn't he?—A. He has so stated to me, and I have so stated to this committee.

Q. Never mind what you said. I am asking you, Mr. Dawson, if Mr. Broderick is perfectly willing to testify to this committee and state all the facts and circumstances that he knows about, with reference to votes for Mr. Lorimer or anything in reference to Mr. Lorimer's election, isn't he?—A. Yes; within certain limits which I stated.

Senator PAYNTER. I do not think it is a proper thing for counsel to go to work and inquire as to the relations of attorney and client.

Mr. AUSTRIAN. I am not asking for any conversation. Counsel gave a statement as to that fact this morning.

Mr. DAWSON. I have no objection to answering it.

Senator PAYNTER. I know you have not; but I do not think we ought to stay here and investigate a question of that kind.

Mr. AUSTRIAN. If the Senator from Kentucky thinks I ought not do it, I will abandon that line of examination.

Q. Mr. Dawson, have you represented Mr. Broderick in all of those proceedings at Springfield—I mean in reference to the indictment of Mr. Broderick, the appearance, and so forth?—A. I have. I have not been alone in representing him.

Q. Who else?—A. There have been a number——

Judge HANECY. I object to having him disclose the confidential relations between himself and other counsel.

Senator BURROWS. The question is whether anybody else represented him.

Judge HANECY. That is right. He may have been in conference with other counsel.

Mr. AUSTRIAN. I am not asking about their conference. I asked for the other counsel who appeared with him.

Judge HANECY. That is part of it.

Mr. AUSTRIAN. I will withdraw it. That is all.

Senator BURROWS. Mr. Dawson, what was the charge against Mr. Broderick in the case you represented him in Springfield?—A. Bribery.

Q. In connection with what?—A. In connection with the promising to pay for votes for Lorimer.

Q. In connection with the election of the Senator?—A. Yes, sir.

Senator BURROWS. That is all.

Senator FRAZIER. Have you a copy of that indictment?—A. I have, and am glad to furnish it to the committee; I brought it for that purpose.

Q. Just one indictment?—A. One indictment against Mr. Broderick. You can have that, gentlemen.

GEORGE F. GLOSS, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Judge Hanecy, and testified as follows:

Q. What is your full name?—A. George F. Gloss.

Q. What is your business?—A. Motorman of a street car.

Q. Where?—A. Chicago, Ill.

Q. What division of the city, or what line?—A. On the Ogden avenue line.

Q. That runs from downtown here out west?—A. Out to Fortieth avenue and Ogden.

Q. You are a married man?—A. Yes, sir.

Q. What is your wife's name?—A. Ella.

Q. Have you any children?—A. Three.

Q. Have you a boy who has an anniversary of his birthday on the 26th of May?—A. Yes, sir.

Q. How old is he?—A. He was 7 the 26th day of last May.

Q. What is his name?—A. George Frederick Milton Gloss.

Q. Do you know Charles A. White?—A. Yes, sir.

Q. Did you know him before you came to Chicago?—A. Yes, sir.

Q. When did you first know him, and where?—A. I first knew him about five years ago, about the 11th—between the 6th and 11th of January, last January.

Q. Where?—A. At O'Fallon, Ill., East St. Louis, and Collinsville; I met him at all these places.

Q. Was he a conductor at that time, a street-car conductor?—A. Yes, sir.

Q. And were you a motorman?—A. I was motorman; yes, sir; and conductor; I worked as motorman and conductor, both, at that time.

Q. Did you and he have a run together at any time?—A. No; we never had a regular run together as regular conductor and motorman, but I have run with him at different times when I was on the extra list.

Q. Did you meet Charles A. White here on the Sunday before Senator Lorimer was elected; that was the Sunday before the 26th of May, 1909?—A. Yes, sir.

Q. Did you walk with Charles A. White to Van Buren street down State on that occasion?—A. Yes, sir.

Q. When you got down to State street did you say to Mr. White: "White, it would seem that you will soon elect a man down there; who do you think it will be?" Did you say that to White?—A. In substance; yes, sir.

Q. And did White say to you, in response to that question, "I don't know?"—A. Yes, sir.

Q. And did you say to Mr. White following that—did White then say to you following that: "What do you think about this man Lorimer?"—A. In substance; yes. "Think" or "know," I would not say which, "think" or "know."

Q. What do you think or know about it?—A. Yes.

Q. And did you say to White in reply: "I do not know personally, but the boys told me that he is a good friend of the street-car men; he has done them many a favor?"—A. Yes, sir.

Q. And did White then say, "So I have heard?"—A. Yes. sir.

Q. Did you meet White at the Briggs House in July, 1909?—A. Well, I could not say whether it was July or August, but—no, I don't think it was July. It was later than that. It was just before the street-car men's convention in Toronto, Canada, because we discussed about the delegates who were going to be sent there.

Q. Did you have a talk with Charles A. White?——A. Yes, sir.

Q. On that occasion at the Briggs House?—A. Yes, sir.

Q. In that conversation did you say to White: "How did it happen?" and did White, in reply, say to you: "I am low down on the list, and when they came to my name I was so excited as to what to do that I just hallooed out 'Lorimer.'"—A. I wish you would repeat the first part of that question again.

Q. In that conversation did you say to White, "How did it happen?"—A. That is not just right. I said to him: "I see you voted for Lorimer; how did it happen?"

Q. And did White, in reply, say to you, "I am low down on the list, and when they came to my name I was so excited as to what to do that I just hallooed out 'Lorimer'?"—A. Yes, sir.

Q. And did you then ask White how White's real estate business was, and did White say "not very well?"—A. Now, I don't know whether it was real estate business or whether it was the insurance business. He was in the insurance business and real estate business both, but I asked him with reference to one; I don't know which.

Q. Did he answer "not very well?"—A. "Not very well."

Q. On that occasion did you say to White, "What are you going to do?"—A. Yes, sir.

Q. And did White answer, "I am trying to get a federal job; I am up here to see Lorimer now before he is going away to Europe to-morrow?"—A. Well, as far as "to-morrow," I do not know whether it was "to-morrow" he said "or soon," but it was one or the other.

Q. Is that the rest—is the rest of that right?—A. In substance.

Q. And did White say to you, "I am going to try to get a job as reporter on an ocean vessel at $3,500 a year, or try to get a job as a secret-service man?"—A. Yes, sir.

Q. Did White take a round trip on your street car—take a round trip around the loop—from Fortieth avenue and back again to Lake street and Fifth avenue?—A. No; that is not just quite right. He got on at Lake and Fifth avenue and made a complete circle and went to Fortieth avenue and back, and back by Fifth avenue and Lake and went around as far as Clark and Washington. He got off at Clark street and Washington instead of Lake and Fifth avenue.

Q. And did you say to White, "Charley, how about your job?" and then did White say, "I didn't get the jobs I was talking about, but they offered me a job in the county building at $70 a month, and I turned it down?"—A. Seventy-five dollars a month.

Q. Seventy-five dollars. I think that was a stenographic error there.—A. Yes, sir.

Q. Do you remember the 24th day of May, 1909?—A. Yes, sir.

Q. Did you see Sidney Yarbrough that day?

Mr. AUSTRIAN. I object. I will state the purpose of my objection. On cross-examination—just you refresh your recollection for a moment, so there will be no dispute about the record, because I have it here that Mr. White testified that Mr. Browne came to his room on the night of the 24th of May and asked him to come to his room. Now that is the entire direct examination on that subject; that he went to his room, and then they had a discussion in the room. On cross-examination Judge Hanecy put this question to Mr. White:

"Q. Between 10 o'clock at night and 2 o'clock in the morning?—A. Yes, sir." That is the time he asked him to come to his room. "And he [referring to Yarborough] was in your room when Lee O'Neil Browne went there and asked you to go to his room." That is on cross-examination. Then I objected as immaterial, etc. Now, I want to present this statement of fact and law to this committee. There is no testimony in this record as to anything that transpired in White's room on the night of May 24, 1909, except the testimony of White that Browne came to White's room and asked him to go to his room that night of May 24. On cross-examination Judge Hanecy asked him who was in the room, and then the objection; the objection was overruled; the committee ruled to answer, and he answered, "Otis and Sidney Yarborough." Now, counsel puts a question to the witness. It is a preliminary question, but I desire to object at this time, i

ıe saw Sidney Yarborough on the 24th of May. It is eventually for he purpose of impeaching Mr. White in his answer on cross-exami-ıation as to who was in his room on the 24th of May. Now, I submit o this committee that that is a collateral issue; it is not a substantive ssue, because there is no testimony in this record as to any conver-ation had in White's room on the 24th of May, and the law in this State is, and the law everywhere is, that you can not impeach a wit-ıess on an immaterial and collateral issue, and I have the books ıere if the committee desires to see them. I desire to make that tatement.

Judge HANECY. I intend to show, Mr. Chairman and gentlemen, vhat Mr. White testified took place between himself and Mr. Browne ın the occasion of the 24th, the night of the 24th of May, 1909. I hink Mr. White said it was some time between 10 o'clock in the vening and 2 o'clock the next morning when this conversation took ılace. He, Sidney Yarborough, and Otis Yarborough were in his oom at Springfield on that occasion, and that Browne came into ıis room, got him, took him out, and that it was there, while in Browne's room, that the proposition was made—the arrangement was nade by which White was to vote for Lorimer and be paid for it 31,000, and that White went back again, as I am informed, went back ıgain into the room, where White says—that Browne went back into he room, where White says the two Yarboroughs were in bed.

Mr. AUSTRIAN. That is not in the record.

Judge HANECY. I say I am going to put that in.

Mr. AUSTRIAN. All right.

Judge HANECY. I have called this witness out of the order for the ırpose of—at the request of the honorable chairman and this com-nittee.

Mr. AUSTRIAN. Let us have the situation.

Judge HANECY. That is all in the record; I will read that.

Mr. AUSTRIAN. I have got the record here, and I presume you have.)n direct examination—Judge Hanecy, will you please correct me, if ou think I misstate the record.

Judge HANECY. No; I will not undertake such a herculean task.

Mr. AUSTRIAN. Because your mind is not capable, perhaps.

Judge HANECY. I think, probably, that is right.

Senator BURROWS. That controversy between counsel had better be tricken out.

Mr. AUSTRIAN. So that there might not be any controversy as to he record, I asked Judge Hanecy to correct me.

Senator BURROWS. Go ahead.

Mr. AUSTRIAN. If he did not agree with me as to the record.

Judge HANECY. Do you know Sidney Yarborough?

Mr. AUSTRIAN. I object.

Senator BURROWS. Let the witness answer.

The WITNESS. Did you say answer?

Judge HANECY. Do you know Sidney Yarborough?

A. Yes, sir.

Q. How long have you known him?—A. About five and one-half ears, probably a little over.

Q. The last five and one-half years?—A. Yes, sir.

Q. And did you meet him on the 24th of May, 1909?

Mr. AUSTRIAN. Just a moment. I not only desire to object for the reasons stated, but object to counsel testifying.

Senator BURROWS. That objection is sustained whenever counsel on either side testify.

Judge HANECY. That is not what I am doing, Mr. Chairman. I am reading from the testimony that was taken here.

Mr. AUSTRIAN. That could not be from the testimony, because neither Sidney nor Otis Yarborough have testified.

Judge HANECY. Did you see Sidney Yarborough on that day?

Mr. AUSTRIAN. I object. Let him ask him when he met him, if you permit this testimony to be in.

Judge HANECY. When was it you met him on that day?

A. I met him that evening. He went home with me on my car, and stayed at my house.

Q. What time did you meet him, about?—A. Well, I could not say exactly; I think he made one trip with me before we went home.

Q. Well, was it in the evening, or later?—A. It was about somewhere around 9 or 10 o'clock at night.

Q. Did you—that you started to go to your house?—A. That I first met him that night.

Q. What time did you go with him to your house?—A. Somewhere between 12 and 1 o'clock.

Q. Where did you live at that time?—A. 1064 Springfield avenue. I think it was, or 1046—1064, I think, is correct.

Q. In this city?—A. Yes, sir.

Q. How long did Sidney Yarborough remain at your house that night?—A. He stayed there all night; got up next morning and my wife prepared breakfast for him, and he went away and took some papers out of his grip that morning and came back that evening and ate supper.

Q. What morning was that that he ate breakfast at your house?—A. May 25, 1909.

Q. What evening was it he came back to your house?—A. May 25

Senator BURROWS. He said he came back the same evening.

Judge HANECY. Yes.

A. The same evening, and he got his grip and I took him to the train while I was working on the car.

Q. Did he get on your car May 25, 1909?—A. He got on the car in the evening; yes, sir.

Q. What time?—A. Well, I do not remember about what time. I went to work in the evening, but I went from home, and he made a trip and a half with me and I left him off at State street and Randolph or Washington, I do not know which, and showed him the way to the Illinois Central depot.

Q. You mean he made a round trip and a half?—A. Downtown and back to Fortieth and back to State to either Randolph or Washington; I am almost certain it was Washington, though.

Q. About what time was it that you separated from him that he started to the Illinois Central depot?—A. I should judge about 8 or 9 o'clock; somewhere around there.

Q. Did Sydney Yarborough say to you where he was going?—A. Yes, sir.

Q. Where?—A. Illinois Central depot.

Q. Well, did he say what train he was going to take or to what place?—A. He was going to Springfield.

Q. Illinois?—A. On the Illinois Central.

Q. Springfield, Ill., on the Illinois Central?—A. Yes, sir.

Q. Did Sydney Yarborough sleep all night at your place on the 24th of May, 1909?—A. From 1 o'clock, or probably a little later; we sat up and talked a little before we went to bed, until my wife made me go to bed.

Q. Where in your house did he sleep that night; what room?—A. In the front room, front bedroom—not the front parlor, but the front bedroom.

Q. Did your wife know he was coming to stay there all night?—A. Not that night; she was expecting him the night before. I told her on Sunday that Sydney and Otis both were coming with me, but they did not come home with me on the night of the 23d. She was expecting them on the night of the 23d.

Q. Did anything occur between Sydney Yarborough or your wife or your boy in connection with your boy's birthday—the anniversary of his birth—which took place on the 26th of May?—A. Yes, sir; he gave my boy 25 cents to get a ball mit. He wanted a bat, but he would not let him have it, but to get a ball mit instead for his birthday, on the 26th of May.

Q. Did you have any talk with Sydney Yarborough on the question of how he came up here from Springfield or how he was going back to Springfield?—A. Not how he came up; but that morning, when he was going away, on the 25th, he got his grip to get some papers and brought it into the kitchen.

Q. Into your kitchen?—A. Yes, sir; and he said he was—I don't just remember exactly how he said it, but he said his railroad fare did not cost him anything, that he was riding on White's pass.

Q. I show you pass No. 131165, Illinois Central Railway Company, and ask you if you ever saw it before.—A. I saw that signature of White's before; I do not know if I saw that pass exactly.

Q. Is that the pass, or one like it, that he showed you?—A. I did not see it that morning; he just simply held it; I did not see the form of the pass, or what it was; he just said it was a pass, White's, that he was riding on.

Q. I show you ticket from book No. 131165, coupon No. 28, coupon pass, 1909, Illinois Central Railway, and ask you whether you ever saw that before [handing paper to witness].—A. It is almost rubbed out here.

Q. Yes; I know it is.—A. Rubbed off so much I can hardly tell it. I believe that is the one he had.

Q. Did you see the name "Charles White" on that ticket?—A. "Charles" is plain, but "White" is not any more, or the "A" you can hardly see it any more.

Q. Do you want a pair of glasses; maybe you can see it with glasses?—A. Probably if you put it over something you can see. You can see much plainer now.

Q. Whose handwriting is the name "Charles White" in?—A. Sydney Yarborough's.

Judge HANECY. Do you want to see this [indicating]?

Mr. AUSTRIAN. No.

Judge HANECY. I desire to offer this in evidence, Mr. Chairman and gentlemen.

Senator BURROWS. Any objection?

Mr. AUSTRIAN. Nothing except the objection I made before.

Judge HANECY. I have not identified the names.

Mr. AUSTRIAN. It has no place in this record at all.

Judge HANECY. Are you familiar with the handwriting of Sydney Yarborough?—A. Yes, sir.

Q. Do you know the handwriting of White?—A. Yes, sir.

Q. Did you ever see this before?—A. Yes, sir.

Mr. AUSTRIAN. Showing witness what?

Judge HANECY. Showing witness coupon No. 28.

A. That is the same one you showed me a little while ago; I saw it before.

Q. Where?—A. I picked it out of 43 over at the trial of Lee O'Neil Browne in the presence of one of the state attorney's assistants, Mr. O'Donnell, a gentleman named Hull, I believe, and one other gentleman—I don't know his name—of the Illinois Central.

Q. Hull was the——A. The man who had these tickets, and had them in his charge.

Q. They had how many of them?—A. Forty-three.

Q. Were they spread out on a table?

Mr. AUSTRIAN. I object, as to whether they were spread out on a table or not. He said he took them out of 43.

Judge HANECY. How did you take this one out of the 43?

Mr. AUSTRIAN. I object, whether with his left hand or his right hand; it don't make any difference.

Judge HANECY. It is a question of looking at them, not with his hands.

A. Do you want me to explain? Mr. O'Donnell came and got me in the hallway and asked me if I thought I could identify Mr. Yarborough's handwriting and I told him I thought I could. He said "Come in here," and took me in the room in the presence of one of the state attorney's assistants, Mr. Hull, and another gentleman and said, "See if you can pick Sydney Yarborough's signature out of there." I started in, they were standing up on a stack, and I went down a little piece, and says, "This is Otis Yarborough's handwriting, it is not Sydney's." I picked out five of Otis.

Q. Whose name did he sign?—A. Charles A. White.

Q. He signed Charles A. White?—A. Yes, sir.

Q. Go on.—A. I came down to that coupon and seen the familiarity of the handwriting and identified it as Sydney Yarborough's and laid it to one side and went on through the rest, and I picked that one up and held it up and some one said, I do not remember who, "What do you think about that," and I said, "It is Sydney Yarborough's handwriting."

Q. That is the name of Charles A. White?—A. Yes, sir.

Judge HANECY. Now, Mr. Chairman, I offer this in evidence, book No. 131165, Illinois Central Railroad Company, good for one trip within the limits and upon the conditions named in covers, when detached by conductor. The name Charles A. White in writing, and then below it in print "Must be signed in presence of conductor," and then a punch—conductor's punch—through the latter part of the name "White" on the left hand, across the left hand "coupon pass

1909" and across the right hand, "coupon No. 28," and on the reverse side "honored for passage on train No."—these words are in print, and in blue pencil "17." "Date" in print and then "5–25" in blue pencil, "1909" in print. "From Cho," I think, "To Spril" something. "Punch here," and then "Browne" in blue pencil, under it "conductor." And at the margin on an upright line the figures "13" with a line under and then "3."

Q. I show you card that I first handed you, No. 131165, and ask you in whose handwriting the words, the name at the bottom, are?—A. Charles A. White.

Q. Is that his handwriting?—A. Yes, sir.

Judge HANECY. Mr. Chairman, may I correct the reading of the signature to the little coupon, No. 28? Between the word "Chas." and "White" is the letter "A."

Senator FRAZIER. The exhibit will be copied in the record. It was not necessary to read it at all.

Judge HANECY. That handwriting is Charles A. White's?—A. Yes, sir.

Q. Do you know what train Sydney Yarborough was going to Springfield on?—A. No; I did not. He told me he would leave—the way I understood him, he was to leave between 10 or 11 o'clock, some time around there, at that time.

Q. On the night of the 25th?—A. Yes, sir; on the Illinois Central.

Q. Have you seen White within a day or two of that time?—A. I saw White and Sydney and Otis Yarborough on the Sunday previous to Lorimer's election on the 23d day of May, 1909.

Q. Where?—A. I met them at the Briggs House; I got there and we walked down State street to Van Buren street, and at Washington—not Washington, at Randolph and La Salle streets—and directed the two Yarborough boys how to get onto my car to come home and stay all night with me on the night of the 23d, but they did not show up.

Q. They did not show up?—A. No, sir.

Q. Where did White go, if you know, on the Sunday, the 23d?—A. Where did he go?

Q. Yes; did he go back to your house or some other place?—A. No, sir; I left all three of them at Randolph.

Q. That is the last that you knew of White, then?—A. The last I knew of him from there?

Q. I mean at that time?—A. Yes.

Judge HANECY. That is all.

By Mr. AUSTRIAN:

Q. You have a very good memory, have you?—A. Well, I don't know.

Q. Just look over there.

Judge HANECY. Mr. Austrian, I am not quite through; will you pardon me?

Mr. AUSTRIAN. I understood you to say you were through.

Judge HANECY. I did, but I had forgotten one thing, if I may be permitted to ask it now.

Q. You were a witness in the last trial of People *v.* Browne here?—A. Yes, sir.

Q. And you testified on what date there?—A. Well, I testified three or four days; I was on the stand, I think, four times.

Q. Well, the last time; do you remember what the last date was?—A. No; I could not say exactly.

Q. Did your wife testify in that trial?—A. Yes, sir.

Q. In relation to these same matters?—A. Yes, sir.

Mr. AUSTRIAN. I object.

Judge HANECY. Were you indicted——

Mr. AUSTRIAN. I move that be stricken out.

Senator BURROWS. That will be out. Go right on.

Judge HANECY. Were you indicted?—A. Yes, sir.

Q. After you testified in the Browne case?—A. Yes, sir.

Q. When with reference to the date of your testimony?—A. About the 26th—I do not know just when I was indicted, to tell the truth I seen it in the papers the first I knew of it, and I went up there——

Q. What were you indicted for?—A. For perjury.

Q. For doing what?—A. Claiming that Sydney Yarborough slept in my house on the night of the 24th day of May.

Q. You have never been tried on that?—A. No, sir.

Q. That indictment is still pending?—A. I suppose so.

Q. How did you know how long it was after you testified before you were indicted?—A. I could not say exactly. I do not know when I was indicted exactly.

Q. Do you know about the time, whether a day——A. I should judge——

Q. Or a week or——A. Two days; one or two days.

Q. Yes; a couple of days later. Were you arrested on that occasion?—A. No, sir.

Q. Well, did an officer—you never came in there to the state's attorney's office and gave bail?—A. Well, I seen it in the paper, and I went down to see an attorney and went with the attorney to get my bail. I got my bail and went to the state's attorney's office.

Q. And were you taken any place then?—A. I was taken up in front of Judge Kersten's court to give bail in front of the jury that was trying Lee O'Neill Browne.

Q. The same jury before whom you had testified a couple of days before?—A. Yes, sir.

Q. And was the court in session and the jury there and the proceedings going on?—A. Yes, sir. Mr. —, the lawyer, I can not think of his name now——

Q. Fairbanks?—A. No; the lawyer of Mr. Browne.

Q. Mr. Forrest?—A. Mr. Forrest was making an argument when I came in.

Q. And you were in the charge of the state's attorney?—A. I was in charge of the deputy sheriff; I do not know the man who took me up there. I do not know; he never put me under arrest; he went up there with me.

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. Mr. Gloss, with whom did you go over to the criminal court building that day? Speak up loud.—A. Tom Brady.

Q. Tom Brady was your lawyer, was he not?—A. No, sir.

Q. Who was your lawyer?—A. James Brady.

Q. Tom Brady was the brother of your lawyer, wasn't he?—A. I ɔuld not say.
Q. Tom Brady went over there with you at the direction of your ıwyer, didn't he?—A. As I said before; yes, sir.
Q. Answer my question, please?—A. Yes, sir.
Q. And you went wherever they directed you to go; to any place, id you?—A. Where they directed me——
Q. Will you please answer the question?—A. I went where they irected me.
Q. And your lawyer was with you while you gave bond and came p and appeared before the judge?—A. Yes, sir.
Q. Were you forced to go anywhere where you did not want to o?—A. Well, I could not say I was forced; I was told to go up ıto Judge Kersten's court.
Q. And you went up there?—A. Yes, sir.
Q. And your lawyer accompanied you?—A. Yes, sir.
Q. And you gave bail?—A. Yes, sir.
Q. Now, Mr. Gloss, come back. I will ask you whether or not ou have a good memory?—A. Well, now, I do not know as a man ; the judge of his own memory.
Q. Well, what do you think; do you have a good memory?—A. I ıdge I have a fair memory; yes, sir.
Q. Now, you know exactly what occurred on the 24th, 25th, and 6th, 1909, don't you?—A. Not exactly.
Q. Well, you know everything that occurred with reference to the ·ips you made, the places you made, the place you met this Sydney arborough, don't you?—A. The trips I made on my car?
Q. Yes.—A. I could not tell you what time I went to work on my ar.
Q. You met Otis and Sydney Yarborough on the 24th of May?—. On the 24th?
Q. Yes, sir.—A. I did not meet the two Yarboroughs.
Q. What time did you meet either one of them?—A. I met him——
Q. Who?—A. Sydney.
Q. Where?—A. On my car.
Q. When?—A. About 9 or 10 o'clock.
Q. On the 24th of May, 1909?—A. That is correct; that is correct.
Q. And you have that date firmly fixed in your mind, have you?—. Yes, sir.
Q. And can you tell us the date—and you can not tell us the date ou were indicted in Cook County, Ill., this year, within two months; ; that correct?—A. I do not know when I was indicted.
Q. Give the date that you went to the criminal court and gave bail n the indictment you have spoken of.—A. Well, I do not know that could exactly give the date.
Q. Mr. Gloss, you do not want this committee to understand from nything you have testified about that you saw Charles A. White on he night of the 24th of May, do you?—A. No, sir.
Q. Or on the 25th of May?—A. I did not see him.
Q. Or on the 26th of May, 1909?—A. I did not see him on the 6th; no, sir.
Q. Nor the 25th?—A. Nor the 25th.
Q. Nor the 24th?—A. Nor the 24th.

Q. Mr. Gloss, how often did you change your testimony in the criminal court in the case of People *v.* Browne?—A. I never did change it.

Q. Never did?—A. No, sir.

Q. Didn't you testify in the case of People *v.* Browne that you were a conductor or motorman on the trip that Sydney Yarborough rode on on the night of the 24th of May, 1909, with you?—A. I was a motorman; yes, sir.

Q. You did not change it at any time with reference to your having been a passenger on that car?—A. No, sir.

Q. You never did change your testimony in any respect in the case of People *v.* Browne?—A. No, sir.

Q. And you never asked to go back on the stand for the purpose of changing your testimony?—A. No, sir; I never did.

Q. Mr. Gloss, are you an expert of handwriting?—A. No, sir; I do not claim to be.

Q. How long have you seen Sydney or Otis Yarborough write the name of Charles A. White?—A. Did you say Sydney or Otis?

Q. Yes, sir.—A. Otis, I could not say very much; I had not seen Otis write very much; only received letters from him; but Sydney's he used to sign my name and his name for nearly two years—I used to sign my name under his name for nearly two years.

Q. When he signed his name over your name, did he sign his name "Charles A. White?"—A. He used to sign his name.

Q. How often have you seen Sydney or Otis Yarborough sign the name of Charles A. White?—A. I never seen him sign the name of Charles A. White.

Q. You said you picked it out. Did you ever see a signature other than the two signatures here, purporting to be signed by Sydney or Otis Yarborough or Charles A. White?—A. I do not understand the question.

Q. Mr. Gloss, you say you testified in the criminal court and picked out that signature out of 43; is that correct?—A. Yes, sir.

Q. Upon the trial in the criminal court, didn't you testify that another ticket or slip or pass ticket was in the handwriting of Sydney Yarborough, which, as a matter fact, you thereafter said was not in his handwriting but was a copy?—A. I never said anything about not being in his handwriting or that it was a copy. He handed me—I had this one—he had this one in his hand and turned it around and put another one in his hand, and I supposed he had the same one in his hand.

Q. Didn't he ask you to look at it carefully and hand it to the judge?—A. He did not ask me to hand it to the judge. He handed it to the judge himself.

Q. But he asked you to look at it carefully?—A. Yes, sir; he did.

Q. And then you identified it as the signature of Sydney Yarborough of Charles A. White?—A. Yes, sir; I did; but I did not look at it.

Q. Oh, you did not. Now, Mr. Gloss, you say you recall a conversation had with Mr. White on the Sunday prior to the election of Mr. Lorimer; is that correct?—A. Yes, sir.

Q. Will you give the date that that was on, please?—A. That was on the 23d of May, 1909.

Q. And you and White discussed the election, or coming election, id you?—A. Did not exactly discuss it. I just asked him——

Q. What did you ask him?—A. I told him I supposed they would lect a Senator.

Q. What did he say?—A. He said—I asked him who it would be, nd he said, "I don't know."

Q. Yes; what did he say?—A. He said, "I don't know."

Q. Well, what did you say then?—A. Well, he asked me what I new about Senator Lorimer, and I told him I did not know him ersonally; that the boys told me that he was a great friend of the treet car men and done them many favors.

Q. Anything else?—A. That is all I can remember in regard to it.

Q. That is the entire conversation, is it?—A. That is all I can emember in regard to the Senator.

Q. And that took place a year ago May of this year; is that orrect?—A. Twenty-third of May, 1909.

Q. The 23d of May, 1909? When for the first time did you detail hat conversation to anyone?—A. Along the Saturday before the ee O'Neil Browne case.

Q. In June of this year, wasn't it?—A. It was in June, I think.

Q. May or June of this year?—A. Yes; it was the Saturday before ie defense started there.

Q. That was in the month of June, 1910, wasn't it?—A. Well, they ot a book of mine; if I had that, I could tell. They got a book of ine.

Q. It was this summer?—A. I think it was on the 18th day, either lay or June.

Q. 1910?—A. 1910; yes, sir.

Q. And that was the only time, up to that time, that you had etailed that conversation to anyone. Is that correct?—A. Yes, r; that is correct.

Q. Now, when did you meet White after the election of Lorimer?—. When did I meet him?

Q. Yes.—A. I met him at the Briggs House.

Q. When?—A. It was just a short time before the street-car men's onvention at Toronto, Canada; I do not remember the date.

Q. Well, about when?—A. Just a short time—I do not know hen that was; it was just before Labor Day; I did not see him probbly for a week or two.

Q. What month?—A. August, I suppose.

Q. August, 1909?—A. I think it must be August; Labor Day omes in September—the first Monday in September.

Q. Well, August, 1909?—A. Yes, sir.

Q. Then, you did have a talk with him about the election of Mr. orimer, did you?—A. Yes, sir; I did.

Q. And what did you say to him?—A. "I seen you voted for Sentor Lorimer."

Q. Well, were you surprised when you heard he voted for Senator orimer?—A. Oh, no.

Q. That had taken place several months before; hadn't it?—A. h, yes.

Q. Where did that take place?—A. He said he had. I asked him ow it came about.

Q. Yes.—A. Well, he said: "It is like this, George. You know I am away down on the list, and when they came down to my name I was excited, and I just simply hollered out 'Lorimer.'"

Q. You have known him a good many years?—A. Oh, five and a half years.

Q. That is a good many years, isn't it?—A. Oh, I don't know.

Q. He was of an excitable character, wasn't he?—A. I don't know about that.

Q. Well, did you judge him to be of an excitable character?—A. No.

Q. Did you evince any interest or surprise when he said, "I voted for him; I got excited?" Did he ever tell you he would not vote for him?—A. No; he never told me that.

Q. In any discussion you ever had with him?—A. No, sir.

Q. Did he indicate to you whether or not he had gotten anything for voting for him?—A. No, sir.

Q. Did he say he had not?—A. I never asked him.

Q. Mr. Gloss, in any of your conversations with Mr. White, did you and he ever discuss with reference to whether or not there had been money paid through the forty-sixth general assembly for legislative matters?—A. No.

Q. Never?—A. Never.

Q. And he never told you that he did or did not get any money?—A. No, sir; never did.

Mr. AUSTRIAN. That is all.

Mr. HANECY. That is all.

Mr. AUSTRIAN. Mrs. Gloss.

Mrs. ELLA GLOSS, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Hanecy and testified as follows:

Q. What is your full name?—A. My name is Mrs. Ella Gloss.

Q. You are the wife of the last witness who left the chair, are you?—A. Yes, sir.

Q. Where do you live?—A. 1925 South Central Park avenue.

Q. That is your present residence?—A. Yes, sir.

Q. Have you any children?—A. Yes, sir.

Q. How many?—A. I have three children.

Q. Have you one who has an anniversary of a birthday on the 26th of May?—A. Yes, sir.

Q. What is that, a boy or a girl?—A. A boy.

Q. How old is he?—A. Seven years.

Q. Seven years now?—A. Yes, sir.

Q. Where did you live in May, 1909?—A. Springfield avenue.

Q. Do you remember the number?—A. I do not exactly.

Q. Was it 1064?—A. Something—ten something, 1063 or 1064.

Q. Well, that is near enough.—A. Yes, sir.

Q. In this city?—A. Yes, sir.

Q. Do you know Charles A. White?—A. Yes, sir.

Q. Did you ever live at O'Fallon, Ill.?—A. Yes, sir.

Q. Did you know Charles A. White there?—A. Yes, sir.

Q. How long have you known Charles A. White?—A. I should judge about three years and a half—four years.

Q. In O'Fallon most of the time?—A. Yes, sir.

Q. Have you met him up here occasionally?—A. No, sir.
Q. Do you know Sidney Yarborough?—A. Yes, sir.
Q. Do you know Otis Yarborough?—A. Yes, sir.
Q. How long have you known Sidney Yarborough?—A. I should udge about the same time—five years.
Q. Did you know he had been there at O'Fallon?—A. Yes, sir.
Q. Your husband was a street-car man, a conductor or motorman, t O'Fallon, Ill.?—A. Yes, sir.
Q. And is here in Chicago?—A. Yes, sir.
Q. Was Sidney Yarborough at your house on Springfield avenue, n Chicago?—A. Yes, sir.
Q. When?—A. On the night of the 24th of May.
Q. What May, of this year or last year?—A. Of last year.
Q. The 24th of May last year?—A. Yes, sir.
Q. What time did he come there?—A. Why, he came there in the vening.
Q. He came in the evening?—A. At night, I should say; he came ith my husband.
Q. Came when your husband quit work, and went home with im?—A. Yes, sir.
Q. Did he stay there all night?—A. Yes, sir.
Q. And did he have breakfast there the next morning?—A. Yes, ir.
Q. Did he go away then?—A. He went away; yes, sir; for the day.
Q. Did he come back again?—A. Yes, sir.
Q. When?—A. That night.
Q. That is the night of what?—A. The 25th.
Q. Of May?—A. Yes, sir.
Q. Did he get breakfast at your house on the morning of the 5th?—A. Yes, sir.
Q. Did you prepare the breakfast and serve it to him and your usband?—A. Yes, sir.
Q. Did Sidney Yarborough ever stay at your house any other ight?—A. Yes, sir.
Q. When?—A. He stayed at this house where I live now.
Q. When was that?—A. I should judge about three or four months go.
Q. Did he ever stay at your house that you lived in at South pringfield avenue except the night you have mentioned, the 24th of lay, 1909?—A. Yes, sir.
Q. That is the only night he stayed there?—A. Yes, sir.
Q. Did anything occur at that time when he was there, or when he as leaving, with reference to the date of the birthday of your boy?—. Yes, sir.
Q. What was it?—A. He gave my boy 25 cents.
Q. What for?—A. For a baseball mitt.
Q. What for?—A. For a mitt.
Q. Did that have anything to do with your boy's birthday or the iving of it to him for a birthday present?—A. Yes, sir; I suppose be a birthday present.
Q. Did he say anything; did Sidney Yarborough say anything bout a birthday present when he gave the money to the boy for the aseball mitt?—A. Why, the boy was tormenting me for a mitt; for a

mitt and for a baseball bat, and he said, "I will give you a quarter." He handed him a quarter, and said to get a mitt with it.

Q. What room did he sleep in in your house?—A. He slept in the front bedroom.

Q. Do you know where he went from your house on the morning of the 25th; where he went to?—A. A place called Wheaton.

Q. He went to Wheaton?—A. Yes, sir.

Q. Did he leave his grip at your house?—A. Yes, sir.

Q. When did he take it away from your house?—A. The night of the 25th.

Q. Do you know where he went to then?—A. Why, as far as I can remember he went to Springfield; he said he was going to Springfield

Q. Springfield, Ill.?—A. Yes, sir.

Q. Did he say anything to you about what road he was going back to Springfield on?—A. He said, at the table, he was going over the Illinois Central.

Q. Did you testify in the criminal court of this county, in the case of the People of the State of Illinois *v.* Lee O'Neil Browne?—A. Yes, sir.

Q. You testified as a witness there, did you?—A. Yes, sir.

Q. Did you testify to these same facts there?—A. Yes, sir.

Q. Did you hear your husband testify there?—A. No, sir.

Q. Did Sidney Yarborough tell you he traveled from Springfield here, or from Chicago back to Springfield on what—whether a ticket paid cash, or something else?—A. Why, he did not; he only said he was traveling on a pass.

Q. Did he say whose pass?—A. He said on Charley White's pass

Q. Charles A. White's pass?—A. Yes, sir.

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. Mrs. Gloss, be seated. How old is your youngest child?—A. My youngest?

Q. Yes.—A. Will be a year the 24th of this month.

Q. You have how many children?—A. Three.

Q. When you lived at this house that you say you lived in on the 24th of May, 1909, did you have any servants or help in your house?—A. No, sir.

Q. You did your own work?—A. Yes, sir.

Q. Attended to the three children?—A. Yes, sir.

Q. Cooked and everything else?—A. Yes, sir.

Q. There was nothing very unusual about this occasion or this occurrence that you testified to here, was there?—A. What is that

Q. Nothing very unusual about it?—A. No, sir.

Q. Nothing that would make you remember the conversation that took place—the facts and details—any more than any other incident was there?—A. No, sir.

Senator GAMBLE. Perhaps she had better turn around so that we can hear better.

Mr. AUSTRIAN. Yes; I prefer it that way.

Q. Mrs. Gloss, did you ever discuss this with anyone prior to May of this year?—A. No, sir; except my husband; we talked it over occasionally.

Q. That was after May of this year, wasn't it?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. Mrs. Gloss, were you indicted for your Browne testimony in the criminal court?—A. Not as I know of.

Judge HANECY. That is all.

Senator FRAZIER. Mrs. Gloss, one question.

Q. Was Sidney Yarborough ever at your house, except on this occasion?—A. Oh, yes; he has been to my house quite a few times.

Q. When was he there last?—A. Well, now, the last time he and his wife were there, I should judge, about three or four months; something like that.

Q. Three or more months since they were there?—A. Yes; just this summer.

Q. Could you give the date of that?—A. No; I could not.

Q. Can you tell what month it was?—A. No; I could not tell.

Q. How long did they remain there?—A. They stayed all night.

Q. They stayed there all night?—A. Yes, sir.

Q. Mr. Yarborough and his wife?—A. Yes, sir.

Q. You could not tell what month that was?—A. No; unless I think just a while.

Q. Did Mr. Yarbrough—was Sidney Yarbrough ever at your house at any time before this last time?—A. Oh, yes; he has made visits during the day.

Q. Can you give us any date that he was there?—A. No; I could not exactly.

Q. How is it that you can remember that the visit which you have referred to was the 24th of May, 1909, when you can not tell use even the month of this last visit?—A. Because I remember about my boy's birthday, and that is the only way I can place it.

Q. You place it entirely by your boy's birthday?—A. Yes; by my boy's birthday.

Q. What day did he come there, on the 22d, 23d, or 24th?—A. He came on the night of the 24th.

Q. The night of the 24th?—A. Yes, sir.

Q. Did you make any memorandum of it in any form?—A. No; I never did.

Senator FRAZIER. That is all.

Senator BURROWS. That is all.

By Judge HANECY:

Q. Mrs. Gloss, did you see the story of White, as printed in the Tribune?—A. Well, I may have seen it, but I did not read it.

Q. Did you read any of it?—A. I glanced at it. I have three children, and I have a great deal to do.

Judge HANECY. That is all.

Senator BURROWS. That is all.

Mr. AUSTRIAN. That is all, Mrs. Gloss.

Judge HANECY. Mr. Bell.

Senator BURROWS. Call Mr. E. J. Bell.

E. J. Bell, called as a witness herein, having been first duly sworn, was examined by Judge Hanecy, and testified, as follows:

Q. What is your full name?—A. Edwin J. Bell.

Q. What is your business or employment?—A. Street car conductor.

Q. Where?—A. On the Ogden avenue line.
Q. In Chicago?—A. Yes, sir.
Q. Where do you live, Mr. Bell?—A. At 3820 Ogden avenue.
Q. 3820 or 2830 Ogden avenue?—A. 3820.
Q. 3820. Are you a conductor?—A. Yes, sir.
Q. How long have you been in that business?—A. Well, I will be with the company three years the 10th of this month.
Q. The name of the company is the Railways Company, is it—Chicago Railways Company?—A. Chicago Railways Company.
Q. And your trip is from downtown out Ogden avenue and back again, is it?—A. At the present time.
Q. Do you know George Gloss?—A. Yes, sir.
Q. I mean the one who was in here just a little while ago and whose wife just left the witness stand?—A. Yes, sir.
Q. How long have you known him?—A. I have known Mr. Gloss for about two years.
Q. In relation—the past two years?—A. Yes, sir.
Q. Did you work on the same line with him?—A. Yes, sir.
Q. Did you work together, one as a motorman and the other as a conductor?—A. Yes, sir.
Q. When?—A. A little over a year ago.
Q. How long did you work in that manner?—A. Why, I worked with Mr. Gloss for about two years.
Q. Do you know Sydney or Otis Yarborough?—A. I met him once
Q. When?—A. I met him a year ago last May
Q. Which one?—A. Sydney Yarborough.
Q. Where did you meet him?—A. On the Ogden avenue car.
Q. Whose car?—A. It was my car; but I was off at the time I met him.
Q. What do you mean; it was your run?—A. I was not working
Q. Somebody had taken your place?—A. Yes, sir.
Q. Extra man. Were you on the car?—A. I was on the car when I was introduced to him.
Q. But you were not on the car as a conductor or motorman?—A. No, sir; I was not on as a conductor.
Q. Who introduced you to him?—A. Mr. Gloss.
Q. George Gloss?—A. Yes, sir.
Q. When was that—what part of the week or month or year?—A. That was on a Monday night in May, 1909.
Q. Where were you going, or where was you going?—A. I was going home, and what I understood was that Mr. Yarborough was going to Mr. Gloss's house to stay.
Q. Did you travel along the route with him?—A. As far as my home.
Q. And then did you get off?—A. I got off.
Q. You got off before they did?—A. Yes, sir.
Q. Where did you get off?—A. I left them at the car at Avers and Ogden avenue, where I got off at.
Q. Do you know where Yarborough stayed that night, from your own knowledge, or from what Sydney Yarborough told you?—A. No; only that Mr. Gloss told me he was going to stay at his house.
Q. Mr. Gloss told you that in the presence of Sydney Yarborough?—A. No, sir; he told me before Mr. Yarborough came there

Q. How did he come to tell you that?—A. He said that on the Sunday night we were supposed to meet Sydney Yarborough.
Q. Who told you that, that you were supposed to meet Sydney Yarborough?—A. Mr. Gloss said he was going to meet a friend of his from where he lived, but on that Sunday night his friend did not show up. The following day I was off, and I was going home and accidentally got on my own car at Twelfth and Ogden avenue, and I saw this gentleman talking to Mr. Gloss on the front platform. Mr. Gloss rang the bell, the conductor came out to collect the fare, and I spoke to Mr. Gloss then. Then Mr. Gloss introduced me to Mr. Yarborough as the gentleman we were supposed to meet the night before.
Q. Well, did Yarborough have a grip at that time?—A. There was a grip laying on the front platform.
Q. Was there anybody on the front platform—who was on the front platform?—A. Mr. Gloss, Mr. Yarborough, and I.
Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. What day of the month——
Judge HANECY. One moment, please. Were you before the criminal court during the Browne case?—A. Yes, sir.
Q. And were you asked by the State's attorney, or one of his assistants, to go out into the crowd of men and pick out the man you were introduced to?—A. Yes, sir.
Q. That is Sidney Yarborough?—A. Yes, sir.
Q. And did you?—A. Yes, sir.
Q. Did you pick the right man?—A. Yes, sir.
Judge HANECY. That is all.

By Mr. AUSTRIAN:

Q. Mr. Bell, what day of the month was this Sunday evening that you have testified about?—A. The 23d of May.
Q. Monday was the 24th, was it?—A. Yes, sir.
Q. Tuesday was the 25th?—A. Yes, sir.
Q. What evening did you meet Mr. Yarborough?—A. Monday evening.
Q. When you first testified in the Browne trial, you stated the evening you met him was the evening you were working, didn't you?—A. Yes, sir.
Q. You corrected that testimony?—A. Yes, sir.
Q. And stated you were not working that night, but had been riding on your car?—A. Yes, sir.
Q. Did this incident impress itself on your mind; was there anything unusual about it, anything particularly impressive about it, this whole occurrence?—A. No; the only thing impressive on my mind was Mr. Gloss had said, "This here is the friend of mine that we were supposed to meet last night."
Q. Nothing impressed it on your mind?—A. Yes; that did.
Q. And he said that on the night of the——A. 23d—24th.
Q. The 24th. All right.—A. Yes, sir.
Q. He made that statement to you on the night of the 24th. And you were not working?—A. Yes, sir.
Q. And that impressed itself upon your mind, and then you did not think of it again afterwards until when?—A. I never thought of it until I got away from the court room.

Q. When was that?—A. The time of the trial.
Q. That was in June of this year, wasn't it?—A. Yes; I believe it was.
Q. June or July of this year?—A. Yes, sir.
Q. Then from May, 1909, until June or July of this year, the fact never recurred to you at all?—A. Never recurred to me at all.
Q. Neither the conversation nor anything else?—A. No, sir.
Q. And no one ever talked to you about it?—A. No, sir.
Q. But still you can tell the date and exactly what transpired on this occasion?—A. Yes, sir.
Q. And you can fix the time as the 24th of May, can you?—A. Yes. sir.

Mr. AUSTRIAN. That is all.
Senator BURROWS. Call the next.
Judge HANECY. That is all, Mr. Bell.
Senator BURROWS. These witnesses can be excused, I suppose?
Judge HANECY. I do not desire them any further, Mr. Chairman.

WILLIAM M. ROSSELL, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Judge Hanecy and testified as follows:

Q. What is your full name?—A. William M. Rossell.
Q. Is there an "e" on the end of it?—A. No, sir.
Q. What is your business or occupation, Mr. Rossell?—A. I am a machinist by occupation.
Q. Are you connected with any labor organizations in any representative capacity?—A. Yes, sir.
Q. What?—A. I am president of the International Association of Machinists. 208, and secretary of the joint labor legislative committee of the forty-sixth general assembly.
Q. That is the one that Mr. Lorimer was elected United States Senator by?—A. Yes, sir.
Q. Do you know Charles A. White?—A. I do, sir.
Q. How long have you known him?—A. I met him at the forty-fifth general session.
Q. That was the session before?—A. That was in '97.
Q. 1907, you mean?—A. 1907; yes, sir.
Q. Did you meet him frequently at these two sessions of the legislature?—A. Yes, sir.
Q. What was Charles A. White doing at the forty-fifth session?—A. He was representing the amalgamated street-car workmen looking after two bills in the interest of the street-car workmen. He presented these bills to the labor lobby, and they were indorsed, and we worked for them together.
Q. Did you have a conversation with Charles A. White in the spring of 1910 somewhere on Madison street at one of the 5-cent theaters?—A. Just outside of the 5-cent theater.
Q. Did you walk with him from there to the Palmer House?—A. Yes, sir.
Q. Did you have a conversation with him?—A. Yes, sir.
Q. In that conversation, did you say to White: "You are flying pretty high for a labor skate?"—A. I did.
Q. Did White, in reply, say to you: "Yes; I will fly a damn sight higher before I get through?"—A. He did.

Q. Then, did White say to you, "Do you know anything about enatorial graft of the legislature?"—A. He did.

Q. And did you reply to White, "No; I was looking after labor natters and know nothing about any other subject?"—A. Yes, sir.

Q. Did White then say to you, "The niggers gave me the worst of t in the legislature, and I am going to make them put me on easy treet or I will make it damned hot for them?"—A. Substantially he language; yes.

Q. And then did you say to White at that time, "Charley, labor as many friends among the leaders on both sides; don't do anything hat will hurt labor organizations in the future?"—A. I did, sir.

Q. And did White then say to you, "I don't give a damn for hem, I am looking out for Charley White?"—A. He did.

Q. And did White then say to you, "If you know anything about raft tell me about it and I will make it worth your while?"—A. He id.

Q. And did White then say to you, or did you then say to White, I have no information on the subject whatever and know nothing f and have heard nothing about graft?"—A. I did.

Judge HANECY. That is all.

By Mr. AUSTRIAN:

Q. How long had you been down to the legislature?—A. Since the orty-third session, 1903.

Q. And you have never in all your experience down at Spring- eld—you were there?—A. At every session.

Q. And during all your experience at Springfield, Ill., during the arious sessions of the Illinois legislature, you never heard anything bout graft?—A. Oh, I read it in the papers.

Q. Did you ever hear anything about graft down at Springfield uring the sessions of the legislature?—A. I have heard rumors; iat is all.

Q. That is all, is it?—A. Yes.

Q. You were down there when the Alden bill was passed?—A. No; think that was passed in the forty-second.

Q. Were you down there when the Miller bill was passed?—. Yes; I was there.

Q. Were you down there when the gas bill was passed?—A. I think was.

Q. Were you down there when the street-car frontage bill was assed?—A. I don't remember those things, because I was instructed nly on labor legislation.

Q. You being down there, a labor lobbyist, you never heard any- ing about graft down there?—A. In what common talk you would ear in the newspapers.

Q. Was it common talk down at Springfield with reference to legis- tive graft?—A. There is always talk about any man in public fe about graft.

Q. I am asking you whether there was common talk down in pringfield during the sessions of the legislature when you were resent with reference to graft.—A. There was always talk of that ind, but nothing definite.

Q. Nothing definite. You and White never had any trouble, did ou?—A. No, sir.

Q. You are very friendly to White, are you?—A. I was at the forty-sixth session.

Q. As a matter of fact, you are very unfriendly to White, are you not?—A. At the present time?

Q. Well, prior to April 30, 1910, you were unfriendly to him, weren't you?—A. Not particularly.

Q. He loaned you some money and tried to collect it, didn't he, in 1907?—A. No, sir.

Q. He didn't loan you any money?—A. He loaned me money, but I paid it back to him.

Q. Didn't he try to collect it through Ed. Nuckols?—A. He tried to collect it through Ed. Nuckols.

Q. Didn't some animosity arise and spring up by reason of that fact?—A. No; not at all.

Q. Not at all?—A. I paid him.

Q. When did you pay it?—A. I handed it to him before the forty-sixth session, and at the forty-sixth session he seemed to be very friendly.

Q. And you have the friendliest feeling for him?—A. Not now.

Q. But up to May 1, 1910, you had the friendliest feeling?—A. No——

Q. Now, you were down at Springfield when Lorimer was elected United States Senator?—A. I was.

Q. You were down on the 24th, 25th, and 26th of May?—A. Yes.

Q. Did you see White down there?—A. I did.

Q. Did you see Yarborough down there?—A. I saw one of the Yarboroughs down there.

Q. You did not see Sidney down there, did you?—A. I don't know one from the other. I saw one of them.

Q. You only saw one of them?—A. As I remember.

Q. You didn't see the other, did you?—A. Not that I remember.

Q. Now, then, Mr. Rossell, you did not have any talk with White down there during that session of the legislature, did you, with reference to the election of United States Senator?—A. No, sir.

Q. Nor immediately after that, while the assembly was still in session?—A. No, sir.

Q. Not at all?—A. Not at all.

Q. Did you hear any talk down at Springfield immediately before and immediately after the election of Mr. Lorimer with reference to any graft at Springfield?—A. No, sir.

Q. None at all?—A. I heard talk on the street and rumor around like that, but common ordinary talk——

Q. Did you ever hear anything in the St. Nicholas Hotel or the lobby of the capitol of it going on?—A. I heard a lot of talk going on.

Q. That is all you heard, is it?—A. That is all.

By Judge HANECY:

Q. Do you know a man by the name of James Doyle?—A. James Doyle, of Springfield?

Q. Well, he is a labor leader?—A. Yes; he is president of the machinists.

Q. Is that his home, Springfield?—A. Yes.

Q. Did he ask you if you knew White?

Mr. AUSTRIAN. I object.

A. Yes.

Mr. AUSTRIAN. What difference does it make whether Doyle asked him if he knew White or not?

Judge HANECY. I am leading up to the subject-matter. Did he ask you anything about White?—A. He did.

Q. When?—A. During the session.

Mr. AUSTRIAN. I object. Just a moment. The question is did Doyle ask the witness with reference to whether he knew White. How is that material?

Judge HANECY. This is the only materiality, it seems to me, in view of his cross-examination——

Mr. AUSTRIAN. I prefer that counsel puts his question. I withdraw the objection. I prefer to have the question put rather than have counsel explain.

Senator BURROWS. The objection is withdrawn. Is the question withdrawn?

By Judge HANECY:

Q. What was it he asked you about White?—A. He asked me what kind of a fellow White was.

Q. Well, what else was said?

Mr. AUSTRIAN. I object.

Senator FRAZIER. I can not see how you can prove that.

Judge HANECY. This gentleman was allowed to go on and ask if he heard any rumors or anything about graft, and I propose to show that he did and it was in relation to White.

Senator FRAZIER. If White said anything that would be material here, but what this witness said to somebody else would certainly be hearsay in about the second degree.

Judge HANECY. Well, unless he connects it in some way with White, of course it would not be competent any more than the rumors he asked about. All he asked about rumors is hearsay.

Senator FRAZIER. I do not think any of it is competent. I do not think it has any business in this record, any of that.

Judge HANECY. I thought so, too; I thought it should go all out.

Senator FRAZIER. Then, why did you not object to it?

Judge HANECY. Because when I did to matters of that kind, this honorable committee said, "Let him answer it; we will hear it anyhow." My only apology for sitting idly by and not objecting is, when I did object earlier in the proceeding, they were told to answer, and I concluded the policy of the committee was to hear it anyway, and I did not care to appear to be an obstructionist.

Senator FRAZIER. There is no such policy on the part of the committee.

Mr. AUSTRIAN. You will recall the question put to this witness was, "Did White ask you at the Palmer House whether or not you heard anything in reference to senatorial graft?" That was the question put. He said, "I answered 'No.'" That is why I cross-examined him with reference to what he heard.

Judge HANECY. About any graft.

Mr. AUSTRIAN. That he heard at Springfield.

By Judge HANECY:

Q. Did you have any talk with White or White with you about the bill or the bills that Doyle talked with you about?—A. I don't quite get that clear.

Q. I will withdraw that. You talked with Doyle about White, did you?—A. Yes.

Q. And Doyle asked you about White?—A. He did.

Q. What did he ask you about White?

Mr. AUSTRIAN. I object to what Doyle asked him.

Q. Well, did you talk with White afterwards about the things that Doyle asked you about?—A. Not with White; I talked with Doyle.

Q. Did you talk in the presence of White about it?—A. No——

Q. About what Doyle had said to you?—A. No; I talked to White himself.

Q. Well, that is what I say, to White himself?—A. Yes; but not in the presence of Doyle.

Q. Did you talk to White himself about the subject-matter that Doyle asked you about?—A. Yes, sir.

Q. Well, that is what I want to know. Now, what was it that Doyle said to you that you afterwards told White about?

Mr. AUSTRIAN. I haven't any objection to his asking what White said to him, or what he said to White, but I have to what Doyle said.

Judge HANECY. If he told White what Doyle said about it?

Mr. AUSTRIAN. Then it would be a conversation between him and White.

Judge HANECY. All I want to show is the conversation between him and Doyle and then that he told White that conversation.

Q. Did you tell White the talk you had with Doyle?—A. Yes, sir.

Q. What was it; what did you tell White?—A. I said to White: "Charley, what have you got your mitt out against labor legislation for?" He said: "What do you mean?" I said: "Jim Doyle complains to me that you want money on this electrification bill, and told him that you weren't out of the woods yet, and you are not living on wind. What kind of a labor man do you consider yourself?" And he said it was a lie.

Q. White said it was?—A. White said it was a lie, and he said he would see Doyle about it. I don't know whether he did or not.

Q. Is that all that was said?—A. I told him that he ought to be ashamed of himself, which was true.

By Mr. AUSTRIAN:

Q. Did you think it was a lie?—A. What, about White?

Q. Yes?—A. No.

Q. You thought it was the truth, didn't you?—A. Sure; I think that he had his mitt out for anything.

Q. You wouldn't, would you?—A. No; I wouldn't; and nobody has got anything on me.

Q. How long had you been down to Springfield?—A. I have been down there since the forty-third session.

Q. The forty-third session; when was that session?—A. 1903.

Q. That is seven years you have been down to Springfield.—A. Yes; and been reelected.

Q. As a labor lobbyist?—A. Representing the Chicago Federation; yes.

Q. For seven years?—A. Yes, sir.
Q. What else have you done?—A. I have worked at my craft, ıy trade, and organizing work.
Q. When have you worked at your craft or trade?—A. Last ⁄inter.
Q. How long?—A. About four months.
Q. Well, did you work during the year 1908 at that?—A. 1908?
Q. Yes; last winter?—A. 1909 and 1910?
Q. I mean 1909; that is all you worked during the year 1909?—.. I worked at organization work——
Q. Just a moment, now. When did you work at your trade or raft in the preceding year?—A. I didn't quite catch that?
Q. Well, in the year 1908, how long did you work at your trade?—. I was doing organization work all the time for labor unions. I idn't do a tap at my trade.
Q. Now, in 1907, how much did you do at your trade?—A. I done rganization work.
Q. And 1906, did you work at your trade?—A. No, sir.
Q. 1905, did you work at your trade?—A. No, sir; I done organi-ation work.
Q. In 1904, did you work at your trade?—A. No, sir; organization ⁄ork.
Q. Then your entire time, with the exception of four months, so ar as working at your trade was concerned, was nothing, was it?—.. No, siree; it has been organization work, and that will show it; all ver this State and this country.
Q. And barring the four months you have detailed you have not een working at your trade in the last seven years, have you?—A. ot at the craft; no, sir. I didn't need to; I was paid by my organi-ation to organize.
Judge Hanecy. Mr. F. G. Hull.
Senator Burrows. Mr. Hull.

Fred G. Hull, called as a witness herein, having been first duly ⁄orn by Senator Burrows, was examined by Judge Hanecy and tes-fied as follows:

Q. What is your full name, Mr. Hull?—A. Fred G. Hull.
Q. What is your business or occupation?—A. I am secretary to ıe chief clerk of the president of the Illinois Central.
Q. The chief clerk of Mr. Harrihan's, the president?—A. Yes, sir.
Q. Do you have to do with passes that are issued by that road to ifferent parties?—A. I have more or less to do with it.
Q. How are the passes issued. Won't you be kind enough to tell ıis committee briefly whether there is a separate pass for each one, ; a book of passes. or how?—A. You mean passes for the members ; the Illinois legislature?
Q. Members of the legislature. When a member of the legislature ants a pass does he sign a card like that?—A. No; he makes a ritten request on the district attorney and the district attorney sends to our office and the pass is issued.
Q. What function does the card fill?—A. This is sent out, that pass ook, and signed by the gentleman to whom it is issued.
Q. After the party to whom it is issued receives the book, he signs ıat card, and then what does he do with it?—A. Mails it to the esident of the Illinois Central.

Mr. AUSTRIAN. When you say "that card," please identify it as being the same card you showed him.

Judge HANECY. It is the same card, No. 13165, which is in evidence here.

Q. Is that the card that was sent in by Charles A. White?—A. It is, to the best of my knowledge.

Q. For the pass book. Now, what was sent to him when this card was signed beside this card?—A. A coupon book.

Q. How many coupons?—A. Forty-eight.

Q. And each coupon represented what?—A. Each coupon is good for a ride in the State of Illinois.

Q. Is that one of the coupons in that book?—A. Yes, sir.

Q. Are all of the coupons numbered the same as the number on this card?—A. They are.

Q. And they are all the same number?—A. Yes.

Q. 13165?—A. Each coupon has that number on it; yes, sir.

Q. And when a party using it rides on it, what does he do with reference to the coupon?—A. He signs it in the presence of the conductor.

Q. Signs the coupon?—A. Yes, sir.

Q. You do not know the handwriting of Mr. White, do you?—A. No, sir.

Q. Is that one of the coupons issued by your road—the Illinois Central—to Charles A. White under this application and receipt?—A. Yes; a pass book of that number was issued to him.

Q. Does that indicate that somebody rode on that pass?

Mr. AUSTRIAN. Is that the same pass that the witness, Gloss, identified as being in his handwriting?

Judge HANECY. Yes; it is signed "Charles A. White."

The WITNESS. This shows that somebody has ridden on it and that signature does, too.

Q. The signature "Charles A. White" on the face of it indicates that somebody who signed that name rode on that pass?—A. Yes, sir.

Q. From where to where?—A. Chicago to Springfield on May 23, train No. 17.

Q. What time did train No. 17 leave from Chicago for Springfield at that time?—A. They are due to leave at 10.15 p. m.

Q. And would arrive in Springfield at what time?

Senator BURROWS. Judge, is that important to go into all those matters?

Judge HANECY. Not unless it is questioned, Mr. Chairman.

Senator BURROWS. Well, I would not.

Judge HANECY. What does the writing on the back of that pass indicate?—A. That is made out by our conductor.

Q. The word "Brown" indicates the name of the conductor?—A. Yes, sir.

Q. And the other indicates the date, and so forth?—A. The number and train it was on.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

Judge HANECY. Wait a minute. Did you take these passes out prior to the criminal court in the trial of People against Browne?—A. Yes.

Q. And did you take out all of the passes; all of the coupons?—A. Yes, sir.

Q. How many of them were there?—A. I believe there were seven missing; that would make 41.

Q. Do you know George Gloss?—A. I know him by sight only.

Q. You knew him at that time as a witness who testified on that trial?—A. Yes, sir.

Q. Were you present when he was handed the 41 or 43 of those coupons for the purpose of having him pick out the one signed by Sidney Yarborough?—A. I was.

Q. What one did he pick out?—A. He picked out the one you have.

Q. This one in my hand, coupon No. 28?—A. Yes, sir.

Q. And how many were present there or in what shape were they handed to him, for the purpose of having him pick out one?—A. We were in the witness room there; I think Mr. O'Donnell was present, the assistant state's attorney and myself and Mr. Gloss, and there may have been others there.

Q. Were the coupons handed to him in a bundle or package or spread out or how were they, that is what I want to know?—A. They were handed to him in an envelope and he spread them out himself, as I remember it.

Q. He took them out of the envelope, 41 or 43, spread them out and picked out this one?—A. Yes, sir.

Mr. AUSTRIAN. That is the only one that was dated the 24th of May, 1909, is it not?—A. That was dated the 25th of May.

Q. I mean the 25th of May.—A. Yes, that is the only one.

Q. That is the only one of the whole package?—A. Yes, sir.

Judge HANECY. There is no date of the 25th of May on the face of the pass; is there on the coupon?—A. Not on the face; there is on the back.

Q. There isn't anything on the face of it to indicate the 25th of May or any other date, is there?—A. Yes.

Q. On the face of it, I mean?—A. Oh, no, not on the face of it.

Q. Did Mr. Gloss pick it out by looking at the face of it only and without looking at the back of it?—A. Yes, sir.

Q. Without looking at the date at all. That is all.

Mr. AUSTRIAN. You are sure of that are you?—A. Yes.

Senator GAMBLE. How long would it take for train No. 17 leaving here as you state at 10.15 in the evening to reach Springfield?—A. Due there, I believe, at 4 o'clock in the morning.

Senator GAMBLE. All right; that is all.

Senator BURROWS. Who is your next witness, Judge?

Judge HANECY. Did anybody have access to those coupons for a year or more before you took them out and showed them to Mr. Gloss here?—A. No; that was the first time they had been taken out.

Senator BURROWS. Who is your next witness?

Judge HANECY. That is all the witnesses I have, Mr. Chairman. I filled up pretty nearly the time we were to take—no, not quite.

Senator BURROWS. Perhaps we can have some of the other witnesses. Do you know where they are, Mr. Austrian?

Mr. AUSTRIAN. I understand they are not here.

Senator BURROWS. Mr. Austrian, have you any other witnesses?

Mr. AUSTRIAN. I have none; no, sir. Mr. English is one. I never talked with Mr. English, but from what I understand his testimony to be he will be a witness used on rebuttal.

Senator GAMBLE. You do not care to put him on here now?

Mr. AUSTRIAN. He is not here; but I would like the privilege of talking to him; from what I understand his testimony to be he will be used on rebuttal.

Senator BURROWS. He will be here in the morning?

Mr. AUSTRIAN. He will be here to-morrow morning.

Senator BURROWS. Judge, have you any witnesses you can call at this time?

Judge HANECY. No; we have not.

Senator BURROWS. You have no further witnesses at the present time. Have you, Mr. Austrian, any other witnesses at this time that you desire called.

Mr. AUSTRIAN. Yes; those three.

Senator BURROWS. You will see that they are subpœnaed for to-morrow's session?

Mr. AUSTRIAN. I do not believe we can; I do not think they reside here.

Judge HANECY. What are their names?

Mr. AUSTRIAN. I gave their names this morning—Tyrrell, Shaw, and Donaghue.

Senator BURROWS. Where do they reside?

Mr. AUSTRIAN. I do not know; I will look it up. Those are the witnesses brought out by Mr. Groves.

Senator BURROWS. Then we will adjourn until to-morrow morning at 10 o'clock.

TUESDAY, OCTOBER 4, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. the committee met pursuant to adjournment.

The following members of the subcommittee being present, whereupon the following proceedings were had: Hon. J. C. Burrows, chairman, Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. James H. Paynter, Hon. Joseph F. Johnston, and Hon. James B. Frazier.

Senator BURROWS. I understand you desire to recall some one, Mr. Austrian.

Mr. AUSTRIAN. Yes; Jacob Groves—or J. Groves, I do not know whether it is Jacob or not.

Senator BURROWS. Is Mr. Groves here?

Mr. AUSTRIAN. I do not know what his name is; he will be here in a minute.

Jacob Groves, recalled, and testified further, as follows:

Mr. AUSTRIAN. Mr. Groves, yesterday when you were on the stand this question was put to you: "State what, if any, conversation you had with Tyrrell." The official record shows that you replied "Mr. Tyrrell told me he got $1,000 for voting for Lorimer."

A. That is a mistake. He didn't tell me any such thing. He said he could. "There was $1,000 in sight," or something like that, "if I would vote for Lorimer."

Q. As a matter of fact, he did not vote for Lorimer?—A. He did not.

Mr. AUSTRIAN. The witness notified me that he desired to correct that statement.

Senator PAYNTER. Yes; I didn't understand him to say that, anyway.

Mr. AUSTRIAN. That is the way the record reads. I didn't understand it, either, but that is the way the record reads. That is all.

Examination by Judge HANECY:

Q. You are not friendly to Senator Lorimer, are you?—A. I have no reasons for not being friendly to him; I never spoke to the gentleman in my life.

Q. I didn't ask you if you had any reasons; I asked you for the fact. You are not friendly to him, are you?—A. I have no reasons for not being friendly; I am as friendly to him as I would be to any other stranger. I am not acquainted with him; never spoke to him in my life.

Q. You were politically acquainted?—A. Oh, yes.

Q. You are one way politically and he another, and you knew him politically?—A. Yes, sir.

Q. For a long time, didn't you?—A. I knew him—of him—quite a while; that is all.

Mr. AUSTRIAN. Who, Judge?

Judge HANECY. Mr. Lorimer.

Q. You were not friendly to him during the session of the legislature, were you?—A. I hardly know what you mean. Of course, I don't know that I have anything against him as a gentleman. Of course I could not see my way clear to vote for him for United States Senator.

Q. Well, I am not asking you to differentiate between the different capacities—his capacity as a gentleman or a family man or a church man. I am talking of William Lorimer in his entirety. You were not friendly to him during the last session?—A. I could not say. Of course in a way I was not. Of course I would not support him for the United States Senate. Otherwise I have nothing particular against the gentleman.

Q. Had you any religious prejudice against him?—A. No, sir.

Q. Or his family?—A. No, sir.

Q. To what denomination do you belong?—A. I belong to the big denomination"—I belong to no church at all.

Senator BURROWS. We could not hear what you said.

A. I have no membership in any church.

Judge HANECY. Do you belong to any secret societies?

A. Yes, sir.

Q. What?—A. The Odd Fellows.

Q. Any other?—A. No, sir.

Senator HEYBURN. I would like to ask counsel if it is necessary to ask that question. Membership in secret societies is not ascertained in that way.

Judge HANECY. Mr. Senator, I did not intend to go into that. I simply wanted to know if he had any membership in any secret societies prejudicial to Mr. Lorimer, or because of his politics, or his family, and that is a very active and potent factor in some parts of this State.

Senator BURROWS. Are there any further questions?

Judge HANECY. No, Mr. Chairman; that is all.

Senator BURROWS. I would like to inquire of counsel now if Mr. Groves will be required to remain here?

Mr. AUSTRIAN. I think he ought to. Mr. Tyrrell will be here to-morrow morning, the sergeant-at-arms informs me, and I think Mr. Groves ought to remain until Mr. Tyrrell has testified.

Senator BURROWS. You will remain, then, Mr. Groves.

Judge HANECY. None of the three gentlemen you have referred to—Mr. Donaghue, Mr. Tyrrell, or Mr. Shaw—told you they had received any money for voting for Senator Lorimer, did they?—A. No, sir; they did not.

Q. And none of them said they saw any money?—A. No, sir.

Q. No one of those three gentlemen told you that he received any other thing of value for voting for Lorimer, or on condition that he would vote for Lorimer, did he?—A. Mr. Tyrrell, you know, on condition he would vote for Mr. Lorimer——

Senator BURROWS. You dropped your voice.

A. Mr. Tyrrell, on condition——

Judge HANECY. He said he could get something?

A. Yes.

Q. He did not say he could get any money; what he could get?—A. Yes; he said he could have earned a thousand dollars.

Q. He could have earned a thousand dollars?—A. Yes; if he would vote for Lorimer.

Q. If he would vote for Lorimer?—A. Yes.

Q. You have often heard the report down there, or the remark, jocular or other, by members of the house or senate, that if they did certain things they could get certain advantages by way of something of value or patronage, haven't you?—A. I have heard of such things, yes, but no propositions of that kind were made to me.

Q. You have heard other members speak of it that "If I would do a certain thing I could get a certain thing or things?"—A. Yes.

Q. That was common talk there among the members at different times, sometimes jocular and sometimes semijocular, wasn't it?—A. It was probably true. I was approached but one time on anything like that, and I gave it in my evidence yesterday; I was approached just the one time.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

The WITNESS. Can't I be excused?

Senator BURROWS. Mr. Austrian desires you to remain. Mr. Groves

Mr. AUSTRIAN. I think we will have to recall him.

Senator HEYBURN. I think this witness will have to remain.

Mr. AUSTRIAN. I think this witness ought to remain.

Senator HEYBURN. Yes.

Senator BURROWS. The committee understands that Mr. English is here.

Mr. AUSTRIAN. I desire to hold him for rebuttal.

Senator BURROWS. For rebuttal, and not use him now?

Mr. AUSTRIAN. Yes.

Senator BURROWS. And also George Alschuler.

Judge HANECY. Alschuler?

Senator BURROWS. Yes. Judge Hanecy, have you any witnesses you can call?

Judge HANECY. I will do anything this honorable committee requests me to, but I submit I should not be compelled to put in my evidence piecemeal. They ought to close their case before I am compelled to put on any of mine. I do not want to put it in piecemeal. When they were not ready I have acted as filling-in man.

Senator BURROWS. Judge, can you call any at this time without embarrassment to either of these witnesses?

Judge HANECY. Yes, Mr. Chairman; I can call Mr. McCann or Mr. Doyle. Call Mr. Doyle.

Mr. AUSTRIAN. Who?

Judge HANECY. Doyle.

Senator BURROWS. Have Mr. Doyle brought in.

JAMES W. DOYLE, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Judge Hanecy, and testified as follows:

Judge HANECY. What is your full name, please?—A. James W. Doyle.

Q. What is your business or occupation?—A. I am a machinist.

Senator BURROWS. It is impossible to hear your answers.—A. I am machinist.

Judge HANECY. For what company?—A. I am employed by the Wabash Railroad Company.

Q. What doing?—A. As a machinist part of the time, and part of the time as inspector.

Q. Inspecting what kind of machinery?—A. Engines.

Q. Well, is that before they are purchased, or before they are condemned, or when?—A. Well, sometimes they buy engines from other roads, and they are to be overhauled at the locomotive works, and they send an inspector there to oversee them. Other times they buy them new, and they send inspectors there also.

Q. And what—is that what you are doing?—A. I have done it; yes, sir.

Q. How long have you been doing it?—A. I have only been inspecting this year.

Q. Have you been doing it this year?—A. Yes, sir.

Q. You are a practical machinist?—A. Yes, sir.

Q. How long have you been connected with the Wabash Railroad?—A. About five years.

Q. What were you doing before that time?—A. I worked for the Illinois Central.

Q. In the same capacity?—A. As a machinist.

Q. How long with that company?—A. I was there six or seven years; I don't just remember which.

Q. Are you connected with any labor organizations?—A. Yes, sir.

Q. What?—A. I am a member of the International Association of Machinists.

Q. Any others?—A. No; well, I was a member of the State Federation of Labor, locally.

Q. Do you occupy any official position in any labor organization or labor organizations?—A. Not this year; I don't.

Q. Did you last year or previous to that time?—A. Yes.

Q. What?—A. I was president of the local.

Q. What local—of your craft?—A. Yes, sir.

Q. Did you have any official position which took you to Springfield during the session of the last legislature?—A. Yes.

Q. Was that during the main session of the last legislature?—A. I live in Springfield; I will correct that; it was my home.

Q. Were you there officially, in connection with legislation or anything of that kind, during the last regular session of the legislature?—A. Yes, sir.

Q. What did you represent there?—A. Well, there were certain measures before the session which were detrimental to organized labor and railroad companies, and there was a meeting called of the different crafts, and they decided to stand by the railroads and oppose some of this legislation, and with that in view there was a lobby of members from the different crafts sent, and I was sent from the machinists.

Q. General legislation injuriously affecting both labor and railroads?—A. It affected the earning powers of the railroad companies.

Q. Now, do you know Charles A. White?—A. I met him there.

Q. Where?—A. At that session of the legislature.

Q. The last session?—A. Yes.

Q. That is while he was a member?—A. Yes.

Q. Did you know him before that time?—A. No, sir.

Q. How well did you become acquainted with him during that session of the legislature?—A. Not very well acquainted. I was introduced to him, and probably spoke to him, saying "How do you do," or something like that.

Q. Did you have any talk with him with reference to the legislation which concerned railroad organizations and that you were concerned in?—A. I do not understand that question.

Q. Did you have any talk with him about any bills which were before the legislature during that session?—A. No; I did not.

Q. Did you have any talk with him about legislation—labor legislation?—A. No, sir.

Q. What talk did you have with him?—A. I was in the senate chamber one morning with the labor lobby. While I mixed up with them a good deal, I was not a member of it. They had something on with the senators which did not interest me, and I had no business there, and I left there. I started across to the house, that is right across the rotunda, and in going across I met this man White and he said to me, he says, "Doyle"—now, I don't know whether he said "Doyle" or not, but he said, "How is railroad legislation coming?" and I said. "All right." He said: "You fellows are the damnedest cheapest bunch I ever saw." He said: "What do you expect us fellows to live on—wind—around here?" I said: "I don't know; I haven't got anything to give you, and I could not cit you where you could get anything." I said: "I am surprised at you the way you were elected and you approach me that way and sa that." He said: "I represent organized labor here as much as any thing else." There were some parties stepped up and the conversation stopped. I went on to the house of representatives, or the hal

Q. Was that all the conversation?—A. That was all that day.

Q. Did you have any after that?—A. The next day we had a bill—the boiler-inspection bill—that had been on for third reading fo several days. He stepped up to me, and he says: "I see one of you bills is on for third reading to-day," and I said, "I notice it is." H

said: "You fellows are not out of the woods yet; you had better get busy." I said: "We are doing all we can," and I walked away.

Q. What did you understand him to mean when he told you you ought to get busy?—A. I took it for granted I ought to see somebody.

Q. That you ought to see somebody?—A. That I ought to do that or to have somebody else to.

Judge HANECY. That is all.

Senator BURROWS. See them for what?—A. Well, to see that we had the members lined up so that they would not vote in favor of the bill, I presume. That is the way I took it. I did not enter into a discussion of it. I was not there to make any report of it.

Judge HANECY. Did you understand that there was anything paid or any consideration given for stopping that legislation?—A. No, sir; I did not. I never heard the question of a penny mentioned by our people.

Q. Or by Mr. White or anybody else?—A. Nothing more than the way he approached me in the rotunda was all, and again in the hall here. I judged that a man that would say that to me—I judged that he was open for engagements.

Judge HANECY. That is all.

Mr. AUSTRIAN. I move what the witness should judge be stricken out, Mr. Chairman.

Judge HANECY. Was that your opinion?

Mr. AUSTRIAN. I object to what his opinion is.

Judge HANECY. I know; but——

Mr. AUSTRIAN. Just a minute; I would like a ruling.

Senator BURROWS. That part of the answer may go out.

Judge HANECY. When was this talk, or those talks, you had with Mr. White with reference to the time William Lorimer was elected United States Senator; was it before or after?—A. It was seven or eight days before; I do not just remember. I tried to fix the date, but I could not.

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. When for the first time, Mr. Doyle, did you tell anyone this story you have now testified to?—A. Well——

Q. The date, please, is what I want.—A. The date?

Q. Yes; what month or what year?—A. Well, it was in May, 1909, the day the second conversation came up; I only mentioned in part——

Q. To whom?—A. William Rosell.

Q. Rosell was the same man who testified here?—A. I don't know.

Q. You didn't see him here?—A. No.

Q. And you did not know he had testified?—A. No, sir.

Q. You were called as a witness on the second trial of the Browne case, were you not?—A. The first and second, both.

Q. Both?—A. Yes.

Q. Rosell is the same Rosell who testified here, and on the first and second trial?—A. The same man I spoke of; yes.

Q. Mr. Doyle, did you mention it to anyone else?—A. Not again until the 2d of May, I think, last.

Q. Of this year?—A. This year.

Q. After the publication of this story?—A. After the publicatior of this story——

Q. Yes.—A. (Continuing.) I was ordered to Pittsburg, Pa.

Q. I am not asking you if you were ordered any way or not. I am asking you if you have told anyone else.—A. I did.

Q. You did tell some one on the 2d of May?—A. Yes.

Q. That answers it?—A. All right.

Q. You say, Mr. Doyle, this conversation took place in May, 1909 did it not?—A. Yes.

Q. About the 18th—somewhere about the 18th or 20th of May?—A. Somewhere along in there; I could not give you the exact date.

Q. 1909?—A. Yes.

Q. Previous to that time you had been introduced to Mr. White formally introduced to him. I take it?—A. Yes.

Q. And you had said, "How do you do?" to him when you me him?—A. Occasionally; yes.

Q. And that is all there was to your relation with him, or he t you; is that correct?—A. Yes; up to that time.

Q. Up to that time?—A. Yes.

Q. Now, Mr. Doyle, the first time that you and Mr. White eve engaged in any conversation was the conversation that you hav detailed to this committee; is that correct?—A. Yes, sir.

Q. The first conversation he engaged in with you he solicited bribe, didn't he?—A. Well, I would judge that it was that.

Q. There is no dispute about it, is there, in your mind?—A. No in my opinion there is not.

Q. He wanted you to pay him money; is that correct?—A. Wel I—I would have—I will make a statement in regard to that. I wa acquainted with a gentleman that is an attorney and who is quit prominent in railroad circles, and I was raised in the same town wit him. Quite frequently when nothing would be doing we would si down and talk about things which had happened when we were youn men—he is about my age or a little older.

Q. The attorney?—A. The attorney. He is a prominent railroa man, and presume I figured that was why Mr. White approached m

Q. Because you were seen with an attorney?—A. He is a prominer railroad man, a prominent railroad attorney.

Q. You say you knew how White came to the legislature?—A. knew he was elected—I was given to understand he was elected by th labor people.

Q. You knew prior to that time he had been in the legislature as lobbyist?—A. No.

Q. In the interest of labor?—A. I don't think I knew him at tha time, or knew it.

Q. This prominent railroad attorney, what was his name?—A John G. Drennan.

Q. John G. Drennan, of the Illinois Central?—A. Yes.

Q. Did John G. Drennan ever tell you his relationship wit Gloss?—A. No, sir.

Q. Or anything about it?—A. No, sir.

Q. Mr. Doyle, did you tell John G. Drennan of this conversatio you had with White?—A. No, sir.

Q. Then you said to White, "I have not got anything for you; is that correct?—A. That is about what I said; yes, sir.

Q. You did not have anything for him?—A. No.
Q. Did you tell him you were there as a representative of labor, oo?—A. Yes, sir.
Q. But, notwithstanding that fact, you talked to him the next ay and he told you to "get busy" again?—A. Yes.
Q. At that time he knew who you were, didn't he?—A. Yes.
Q. At the first time he didn't know who you were?—A. I judge e did.
Q. Did you judge he knew you as a representative of labor?—A. think, as near as I can remember, that I saw Mr. White in the abor lobby, and I was introduced to him as "President of 157;" at is our local.
Q. Then, he knew the first time that he talked to you that you ere there in the interests of labor, didn't he?—A. Yes.
Q. And notwithstanding that, he attempted to solicit a bribe from ou; isn't that the fact?—A. That is the way I took it.
Q. Had the labor men, so far as you know, bribed anybody in pringfield?—A. No; they never had any money.
Q. It is well known that labor organizations haven't got any oney?—A. Yes.
Q. And still he asked you to "come across." Is that a fact?—. Yes.
Q. There is no doubt about that in your mind, is there?—A. No; ere is no doubt in my mind about that.
Q. Now, you have spoken about the boiler-inspection bill?—. Yes.
Q. You did testify with reference to the boiler-inspection bill?—. Yes.
Q. You gleaned from his conversation with you that he wanted to ll that bill, did you?—A. There was no reference made to any bill natsover.
Q. Didn't you testify with reference to the boiler-inspection bill?—The boiler-inspection bill was on for third reading.
Q. That was a bill favoring laborites or workingmen?—A. No, sir.
Q. Favoring the railroads?—A. It was detrimental to both the ilroads and the labor organizations—men employed by the rail-ads as mechanics.
Senator Gamble. Just a minute, here is Senator Cummins.
(Thereupon Senator Albert B. Cummins, from Iowa, arrived, and ent a few minutes at the hearing.)
Senator Burrows. Are there any further questions?
Judge Hanecy. I am through, Mr. Chairman.
Mr. Austrian. I have finished.
Senator Burrows. Will you want this witness any more?
Mr. Austrian. No, Mr. Chairman; he may be excused.
Judge Hanecy. I would like to have Mr. Brown called next—Mr. L. Brown.
Senator Burrows. Call Mr. Brown.

F. L. Brown, called as a witness herein, having been first duly orn by Senator Burrows, was examined in chief by Judge Hanecy, d testified as follows:

Q. What is your full name?—A. F. L. Brown.
Q. What is your business or occupation?—A. My occupation?

Q. Yes.—A. Conductor on the Illinois Central Railroad.
Q. How long have you held that position?—A. About sixtee years.
Q. Where is your run?—A. Chicago to St. Louis.
Q. Where was it in May, 1909?—A. I was there, on the St. Lou run then.
Q. The same run?—A. Yes, sir.
Q. Did you make the run on the evening or the night of the 25t of May, 1909?—A. Yes; I did.
Q. From Chicago to St. Louis?—A. Yes, sir; I did.
Q. Will you look at the paper I show you now, coupon No. 28, an tell this honorable committee whether you ever saw it before not?—A. Yes, sir; I have.
Q. When did you see it and where?—A. On the 5th month, tl 25th day, 1909, train No. 17, on the Illinois Central Railroad.
Q. That is the 25th of May, 1909?—A. Yes, sir.
Q. What time did train 17 leave Chicago?—A. 10.15 p. m.
Q. For where?—A. St. Louis.
Q. Was that coupon pass taken up by you on that train?—A. Ye sir.
Q. In whose handwriting is the writing on the back of the co pon?—A. That is my signature.
Q. Well, did you put on the "5/29"——A. Yes, sir; I did.
Q. (Continuing). "09?"—A. Yes, sir.
Q. And the "17?"—A. Yes, sir.
Q. Is all of the writing on the back of that coupon in your han writing?—A. Yes, sir; the passenger also occupied lower 3 in car 1 or, rather, lower 13 in car No. 3.
Q. Whose name was signed on the face of the coupon?—A. could not tell you that, Mister, that is so dim.
Q. I understand that when learned counsel, in the case of People Browne, fingered it so much during that trial——
Senator BURROWS. Now, Judge.
Mr. AUSTRIAN. Now, we have had all about the finger-mark sto yesterday.
Judge HANECY. I have not said which counsel yet.
Mr. AUSTRIAN. I know.
Senator BURROWS. That would hardly be material here, anyway.
The WITNESS. I can't tell you; it is too dim.
Judge HANECY. You can't tell, can you?—A. No, sir; if you ha magnifying glass, you might tell it.
Mr. AUSTRIAN. Just a moment; that was testified to by the cle from the Illinois Central yesterday, and there is no dispute about the name "Charles A. White" appears upon that instrument. never saw it before, but I will admit that.
Judge HANECY. Who wrote the name, "Charles A. White," on t front of the pass?—A. The gentleman that handed me that pass.
Q. Was that signed in your presence, the name "Charles White," signed in your presence?—A. Yes.
Q. By the party who rode on the pass?—A. Yes.
Q. There is a punch mark at the end; what punch mark is that? A. That is my punch mark of that date.
Q. It goes through, and words are on the back of the pass?— Yes.

Q. That was your conductor's punch?—A. Yes.
Q. Your punch?—A. My punch and my signature, also. It is for)th purposes.
Q. That is all.

Cross-examination by Mr. AUSTRIAN:

Mr. AUSTRIAN. Mr. Brown, it may be understood—I presume that the coupon you showed the witness——
Judge HANECY. I read the number into the record.
Mr. AUSTRIAN. The coupon you showed the witness yesterday.
Judge HANECY. I read it into the record, No. 28.
Mr. AUSTRIAN. It is the same one you showed the witness yesterıy?
Judge HANECY. The same one.
Mr. AUSTRIAN. Mr. Brown, you don't want this committee to ıderstand that you knew, or now know, or ever did know who resented that ticket or pass ticket to you, do you?—A. No, sir; it too long ago to remember.
Q. You tried to pick the man out in the criminal court on the cond trial of Browne, and you couldn't do it, isn't that right?—A. I icked out some one who looked like him.
Judge HANECY. He picked out three—he picked out five.
Mr. AUSTRIAN. You said those men's faces looked familiar?—A. I)n't remember.
Q. You did not—you do not undertake to pick out or designate ıe man who wrote that on 5/25/09?—A. No; that would be too ır away.
Q. You do not?—A. No.
Q. That is all I am asking you.—A. That is right.
Mr. AUSTRIAN. That is all.

Redirect examination by Judge HANECY:

Q. Do you think the man who rode on the pass or coupon was 'hite, or somebody else?
Mr. AUSTRIAN. I object to what he thought; it is perfectly immarial now what he thought.
Judge HANECY. If he thought that somebody else was riding on ıat, he may have——
Mr. AUSTRIAN. Ask him questions.
Judge HANECY. Do you know the man who rode on that pass?—. I did not know the gentleman.
Q. What do you think his name was?
Mr. AUSTRIAN. Just a minute, I object.
Senator BURROWS. That is not proper.
A. I think his name is White.
Mr. AUSTRIAN. I move that be stricken out.
Judge HANECY. I want to ask him——
Mr. AUSTRIAN. Wait until I get a ruling. You have got an anver there that I want stricken out of the record.
Senator BURROWS. This is hardly necessary.
Mr. AUSTRIAN. May I have a ruling? I move tha tbe stricken out.
Senator BURROWS. That will go out.
Judge HANECY. If you had known it was anybody other than the ıme signed to the ticket or to the coupon, would you have allowed ım to ride on that pass?

Mr. AUSTRIAN. I object.

A. No, sir; I would not.

Mr. AUSTRIAN. Now, I object; and I move that that answer b stricken out.

Mr. HANECY. That is a question I wanted to ask him.

Mr. AUSTRIAN. And I move it be stricken out. It may be violat ing the rules of the Illinois Central, but if it has any place in thi record, I can not conceive of it.

Judge HANECY. Mr. Chairman, if the man represented himself a White, and this witness supposed him to be White, then it is com petent, as part of the res gestæ in that transaction, part of the thing which took place at that time. If he knew it was somebody else tha White, then a different condition would present itself. That is all Mr. Chairman.

Senator BURROWS. Have you any other witnesses?

Mr. AUSTRIAN. Just a minute. I move that the last answer b stricken out. The witness answered over my objection before th chairman had an opportunity to rule—if he would have allowed hin to ride if he thought it was some one else other than White. H answered that over my objection, and I move the answer be stricke out.

Senator BURROWS. Is there anything further with this witness?

Mr. AUSTRIAN. If I may have a ruling on that last answer——

Senator BURROWS. I think, Mr. Austrian. that we will let tha answer stand.

Mr. AUSTRIAN. Very well.

Judge HANECY. Call Mr. Alschuler.

GEORGE W. ALSCHULER, called as a witness herein, having been firs duly sworn by Senator Burrows, was examined in chief by Judg Hanecy, and testified as follows:

Q. You may state your full name.—A. George W. Alschuler.

Q. What is your business or occupation?—A. Real estate, insur ance, and loans.

Q. Where?—A. Aurora, Ill.

Q. How long have you been in that business?—A. For twenty-fiv years.

Q. You are a brother of Samuel Alschuler, who was the Demo cratic candidate for governor in this State in 1904?—A. 1900.

Q. 1900?—A. Yes, sir.

Q. Are you a member of the legislature now?—A. Yes, sir.

Q. How long have you been?—A. Well, I am completing on term.

Q. This is your——A. First term.

Q. This is your first term?—A. Yes; first term.

Q. You are a Democratic member, are you?—A. Yes, sir.

Q. From Aurora?—A. Yes, sir.

Q. And that is the home of—— A. Kane and Kendall counties they compose the district.

Q. Senator Hopkins is in your home town?—A. Yes. sir.

Q. Were you in the legislature that elected William Lorime United States Senator?—A. Yes, sir.

Q. In 1909?—A. Yes, sir.

Q. Did you vote for him?—Yes, sir.
Q. Where did you sit?—I will withdraw that. Were you one of hat was called the Browne faction on the Democratic side?—A. es, sir.
Q. Where did you sit in the house, or in the joint session, with ref- ence to Lee O'Neil Browne's seat?—A. Well, I sat right back of ee O'Neil Browne, the third seat in.
Q. The third seat back of him?—A. No; the next row back of him; ie third seat in; Lee sitting there [indicating], and I would be tting here [indicating], you see.
Q. You were in the next row, and three seats to the right or left?— . Three seats to the right.
Q. Was Mr. Browne sitting on the aisle or inside?—A. On the isle.
Q. Do you know George Myers—his name is George W. Myers, a ember of the house?—A. Yes, sir.
Q. Where did he sit, with reference to you and Lee O'Neil rowne?—A. Well, now, I am not positive. He sat a few seats back f me; I don't know the location now.
Q. Do you mean on a straight line back of you?—A. No; I think e was to the left of me.
Q. To the left?—A. And a few seats back.
Q. Was he nearer Browne than you, or farther away?—A. Farther vay.
Q. Would he have to pass the aisle you went out of, or the row of ats you went out between, in order to get to Mr. Browne's seat?— . Yes.
Q. Were you giving attention to Mr. Browne during the ballot or United States Senator, at which William Lorimer was elected nited States Senator on that day?—A. Yes, sir; I was sitting right ack of him.
Q. Were you giving any special attention as to what was going on etween him—between him and others on that occasion?—A. My es were on him, naturally. He being the minority leader, my eyes ould naturally be on Mr. Browne.
Q. Did George W. Myers go from his seat to Lee O'Neil Browne's at during the roll call of voting for United States Senator at the int session?—A. No, sir.
Q. Did he go there at any time during that joint session?—A. es, sir.
Q. I mean during the balloting?—A. No, sir.
Q. Do you know a page by the name of McCann?—A. Yes, sir.
Q. Where was he at that time?—A. He was standing at the desk Mr. Browne, right in front of him, and to the side, moving around at desk.
Q. Was he there all of the time, or only part of the time?—A. He as there during the time that the roll call was being had, and im- ediately before the senate came in. I noticed him there. He went own to the clerk at that time and got some roll calls and brought em back, and handed me one of the roll calls.
Q. Was there any chair vacant, any seat at the desk, regular seat, djoining Mr. Browne during the roll call for United States Sen- or?—A. No, sir.

Q. Was there any chair brought into the aisle adjoining or near Mr. Browne's seat for Mr. Myers or anybody else to sit down upon and talk with Mr. Browne?—A. No, sir.

Q. Nobody offered you anything to vote for Senator Lorimer, did they?—A. Well, now, I should say not.

Q. You did vote for him, although you are a Democrat, and he a Republican?—A. I did.

Q. Why?—A. Well, it will take me a little time to explain that.

Q. As briefly as you can.—A. I will be as brief as I can. You see, I am a resident of Aurora, the same town that Senator Hopkins is [laughter]. For many years we have been bitterly opposed and antagonistic to one another. I am a Democrat, and as a Democrat Mr. Hopkins has done everything that he could to belittle me ever since I was a voter and ever since I got into politics. Mr. Hopkins was a prominent citizen there, but at any time and at every time that he had an opportunity he has belittled me——

Mr. AUSTRIAN. I object.

Judge HANECY. I do not care to go into all of the details.

Senator BURROWS. Let that go out.—A. All right.

Senator BURROWS. You and Senator Hopkins were hostile?—A. Very much so.

Senator GAMBLE. That is sufficient. That other is stricken out.

Senator BURROWS. Yes; it is stricken out.

Judge HANECY. It was because of personal relations between you and Mr. Hopkins that you did not vote for him, and did vote for William Lorimer for United States Senator. Is that right?—A. Yes; and not with me only, but with my friends—well, I had better not mention any more, because I would be getting back into the same line of talk that I did before.

Q. Were you, or not, active in getting other Democrats to vote for William Lorimer for United States Senator on that roll call of that joint session?—A. Well, not particularly at that roll call. I had spoken to a few of them, I can not remember who, but from the first day I was down there I was willing to talk, not incessantly, but most of my talk was to defeat Mr. Hopkins, if possible, and I was willing to vote for any reputable candidate in order to beat him, knowing that the Democrats had no opportunity to win.

Q. Had you, before the joint session commenced that day, or the night before, or at any time before, talked with many or few of your friends, or others on the Democratic side, about voting for William Lorimer for United States Senator?

Mr. AUSTRIAN. I object. The witness has explained his activity. Now, it does not make it any stronger to have counsel embody his testimony in the question the way he wants it and then ask him to answer.

Senator BURROWS. I understand the form of the question is objectionable. Is that right?

Mr. AUSTRIAN. Yes.

Judge HANECY. I will change that, if the chairman desires. Put it this way:

Q. What was the fact as to whether or not you were active before the commencement of that roll call of that joint session that day about getting friends or others to vote for Lorimer?—A. For several

lays previous to the roll call, knowing that Mr. Lorimer's name was going to appear as a candidate, I endeavored to get as many of my Democratic friends as I could to vote for Mr. Lorimer; yes, sir; I did that.

Q. Well, did you succeed or not?—A. Yes; I think I did. A great many of them mentioned the fact that they voted for him; that my influence had something to do with it. I did the best I could.

Judge HANECY. That is all.

Mr. AUSTRIAN. Just a minute. On page 807 in the official record, in the testimony of Mr. Meyers, the question is put (you don't need to take this, Mr. Reporter), "How long before the taking of the vote for United States Senator?" Then the answer is, "15 or 20 days; I don't know just how long; just a short time."

I don't think that the judge and I will have any dispute about that, but it should be " 15 or 20 minutes " instead of " days."

Judge HANECY. It is a stenographic error.

Mr. AUSTRIAN. It should be "15 or 20 minutes;" it will be corrected by consent, I take it?

Judge HANECY. Yes.

Senator BURROWS. If there is no question about it, it may be so corrected.

Judge HANECY. What was the page of it?

Mr. AUSTRIAN. Page 807. It says " 15 or 20 days," and that would not make any sense.

Cross-examination by Mr. AUSTRIAN:

Mr. Alschuler, you say you knew his name—Mr. Lorimer's name—was going to be suggested?—A. Yes.

Q. Hadn't his name been suggested to the joint assembly some days before the 26th of May?—A. He had been voted for before.

Q. Direct your voice over there, so they can all hear you.—A. He had received a vote or two.

Q. For how many days prior to the 26th of May?—A. I can not tell you.

Q. If the record shows the 13th of May, 1909, would you say that was about correct?—A. I would not say when he did receive a vote before.

Q. Give us your best recollection as to when he did.—A. When he received one vote?

Q. When he received any vote, whether it was one or more?—A. I can not say. It was at different times, I think; I am not positive.

Q. When did you understand that Mr. Lorimer was a candidate?—A. Why, I should say about—well, now, I will tell you——

Q. Now, just give me your best recollection.—A. You asked me for when I understood——

Q. I asked you to fix the time.—A. Well, I can't say the exact time.

Q. That is an answer, then. What is your best recollection as to the time you remember that he became a candidate?—A. Well, I understood that he and Mr. Deneen were in conference some time regarding the matter.

Q. I am not asking you that, sir. I am just asking you for your best recollection of when he became a candidate?—A. I would say an avowed candidate about three days before the vote.

Q. Three days before the 26th of May?—A. Well, I do not say that he was not a candidate before that. He was a candidate all of the time maybe.

Q. Well, an avowed candidate?—A. An avowed candidate, I would say about three days.

Q. Then activities became very intense?—A. I did the very best I could; yes, sir.

Q. You—and you lent your aid in those activities?—A. Yes, sir.

Q. You were a Lee O'Neill Browne factionist, were you?—A. Yes, sir; if you wish to call it such.

Q. Well, do—what do you call it yourself?—A. I consider that Lee O'Neill Browne was the minority leader.

Q. You were one of his faction?—A. He was the minority leader.

Q. Well, you were of his faction, were you not?—A. I considered Lee O'Neill Browne was the minority leader, and he was elected minority leader.

Q. You were one of his faction?—A. One of his faction?

Q. You were one of Lee O'Neill Browne's faction of the Democratic party?—A. If you want to call it such.

Q. I am asking you what you call it.—A. I do not call it faction. I call him the minority leader; absolutely the leader, elected.

Q. You followed the minority leader, did you?—A. ——

Q. Mr. Alschuler, how long have you known George W. Myers?—A. I first learned to know him at the last session.

Q. Did you see very much of him?—A. Considerable.

Q. Did you consider Mr. Myers as a man of integrity and believeableness?—A. I always thought so; yes.

Q. And truthfulness?—A. I did until this testimony of his came in; that he came down to Lee O'Neill Browne's desk.

Q. Then you changed your mind?—A. I changed in regard to that; he must be mistaken, because he did not come——

Q. There is no chance of your being mistaken, is there?—A. Absolutely none.

Q. You were pretty busy that morning, weren't you?—A. I was sitting right at the desk.

Q. I asked you if you were pretty busy that morning?—A. Before 10 o'clock; yes.

Q. Were you talking to different members of the house?—A. I think I talked with Charley Luke that morning.

Q. Charley Luke is dead now.—A. Charley Luke is dead now; yes, sir.

Q. Didn't you talk to Beckemeyer?—A. I may have talked to Beckemeyer.

Q. Didn't you take Beckemeyer over to Browne?—A. Over to Browne?

Q. Yes.—A. No, sir.

Q. Didn't you talk with McCullom?—A. Didn't I talk with McCullom?

Q. Yes.—A. No, sir.

Q. Or Holstlaw?—A. Positively not.

Q. That is all right; when you answer, say "No."—A. All right.

Q. Tell this committee to whom you did talk that morning before voting for Mr. Lorimer.—A. I don't remember.

Q. You talked to a number of people?—A. I did before 10 o'clock. After that I sat there, and the legislature was in session at that time.

Q. After 10 o'clock?—A. After.

Q. That was the joint session?—A. The session of the house.

Q. The joint session did not commence until 12 o'clock?—A. A little after 12 o'clock.

Q. And do you mean to tell this committee from 10 o'clock until the meeting of the joint session you were always at your seat.—A. Absolutely at my seat.

Q. And never left your seat?—A. Never left my seat.

Q. You were watching Browne, weren't you?—A. I could not help watching him.

Q. Were you watching Browne is my question?—A. I was right there and could see him.

Q. You were three seats to the right of him?—A. Yes.

Q. If you looked directly in front of you, you would not see Browne, would you?—A. I could not help but see him.

Q. You were looking in front of you, weren't you?—A. I was looking in front of me, just like I see these three gentlemen here [indicating].

Q. Mr. Browne's seat was not any more than 3 feet in front of you, was it?—A. Well, he was in front of me.

Q. Three seats one way, to the left, and in front?—A. Yes.

Q. And you do not want this committee to understand that Myers could not walk to Browne without passing in front of you, do you?—A. He had to walk down that aisle.

Q. That aisle was three seats from you?—A. I was right there—and at noon——

Q. Do you want this committee to understand that Myers had to walk in front of you to get to Browne?—A. He had to walk down the aisle to get to Browne.

Q. And you were three seats removed from the aisle?—A. I was three seats removed from the aisle.

Q. Myers came quickly down the aisle—Myers could come quickly down the aisle to Browne, Browne being on the end seat, without passing you——A. I never said he had to pass me——

Q. I am not asking you what you said.—A. I will tell you what I know.

Q. Well, you are telling us what you know, aren't you?—A. Yes.

Q. Was there any money down at Springfield for the election of United States Senator?—A. Not that I know of.

Q. Do you say there was?—A. I will say there was not.

Q. Didn't you tell Colonel Copely, of Aurora, that there was money down at the legislature during the election for United States Senator?—A. Absolutely, absolutely not—if Mr.—no, sir; I did not.

Q. What do you mean by starting to say "if Mr."——A. Well, there were rumors of Mr. Hopkins—and the Tribune will bear me out in that—was endeavoring to get some Democrats to vote for him.

Q. With money?—A. I didn't say with money.

Q. Haven't you repeatedly said that there was money in Springfield, during the election of United States Senator, for the purpose of influencing votes?—A. No, sir.

Q. For United States Senator?—A. No, sir.

Q. At any time?—A. No, sir.

Q. To no man?—A. To no man.

Q. And you don't believe there was, do you?—A. I don't believe there was; no.

Q. Either by Mr. Hopkins or by Mr. Lorimer?—A. I don't know what Mr. Hopkins did; I don't know anything about Mr. Hopkins regarding the matter, whether he had money there or not.

Q. Didn't you tell Colonel Copely and Dan Barnes—you know Dan Barnes?—A. Yes.

Q. And you never spoke of Dan Barnes in connection with United States Senator?—A. No, sir.

Q. At no time?—A. No, sir.

Q. You are what may be called one of Colonel Copely's political adherents, are you not?—A. No, sir; I am a Democrat locally, and I frequently—he and I are friendly.

Q. Politically?—A. Politically. I am a Democrat; he is a Republican.

Q. And still you are friendly?—A. Still we are friendly.

Q. Politically friendly?—A. Politically friendly, you say?

Q. Yes.—A. Yes; I am friendly with him locally—politically.

Q. And the Republican faction and the Democratic faction who voted for Mr. Lorimer are politically friendly, are they not?—A. I don't know whether you would call it politically or any other kind of friendly. I suppose they were friendly when they voted for him, of course.

Q. And you want this committee to understand that from 10 o'clock in the morning until after the election of Senator Lorimer that you saw everything that Browne did?—A. When?

Q. Ten o'clock in the morning—from 10 o'clock in the morning until after the election of Mr. Lorimer you saw everything Mr. Browne did?—A. No, sir; Mr. Browne went out, but that time, 10 o'clock——

Q. All of the time he was in there—barring the time he went out, I mean.—A. No, sir; I did not say that. I say after 12 o'clock. After 12 o'clock, when the vote was being taken, my eyes were on Mr. Browne.

Q. And immediately before that, were they on him, too?—A. Not particularly; no.

Q. Now, do you want this committee to understand——A. When the senate came in they took their seats, and from that time on I was watching Mr. Browne; yes, sir.

Q. You want to say that during the entire roll call, and immediately before the roll call—immediately before——A. Yes, sir.

Q. ——that you watched Browne?—A. Yes, sir; I did.

Q. And Myers did not go over and talk to Browne?—A. Absolutely not.

Q. And you want this committee to understand that the one-armed page—that is, the page you refer to as Browne's page——A. Yes.

Q. (Continuing.) ——never left his seat?—A. After 12 o'clock.

Q. Yes.—A. Only to go up to the speaker, the clerk, to get some more roll calls.

Q. Did he distribute them?—A. He gave me one, and he gave one to Browne, and one to—I don't know who he gave the other to.

Q. Will you say he gave the other to anyone else?—A. No; I won't say that.

Q. Do you say, or will you say, that he did distribute roll calls to members?—A. I can say that he did.

Q. How many pages were on the floor of the house?—A. There must have been 15 or 20.

Q. And it is not unusual for a man to call a page and send him to different parts of the house, is it?—A. No.

Q. Mr. Browne has done it, and you did it, and every other member of the house did, probably?—A. Mr. Browne generally had this young gentleman we have spoken of almost entirely.

Q. Will you tell this committee that Mr. Browne did not send other pages around to do his work or carry his messages?—A. I will say that Mr. McCann did most of Mr. Browne's work.

Q. Will you say that he did not send other pages, too?—A. No, sir; I will not.

Q. You did not watch the page, too?—A. I did not watch the page, too.

Q. You were watching Browne?—A. I was watching Browne; yes, sir.

Mr. AUSTRIAN. That is all.

Redirect examination by Mr. HANECY:

Q. Colonel Copely that Mr. Austrian talks about is now the nominee for Congress in the Republican party for that district, isn't he?—A. Yes, sir.

Q. Did he hold any official position in Springfield during that session of the legislature?—A. No, sir.

Q. He was not a member of either house?—A. No, sir.

Q. Was he there during that session?—A. Well, part of the time he was.

Q. Did he hold any official position in Springfield during that session of the legislature?—A. No, sir.

Q. He was not a member of either house?—A. No, sir.

Q. What was he doing down there? Was he there during that session?—A. Well, part of the time.

Mr. AUSTRIAN. I did not ask anything about Colonel Copley being at Springfield or anything about him being at Springfield.

Q. Was Colonel Copley for anyone of the candidates for Senator on the 26th of May, 1909?—A. Yes, sir.

Q. What one?—A. Mr. Lorimer.

Q. William Lorimer?—A. William Lorimer.

Q. Well, active, was he?—A. Well, he was speaking to various members; I suppose it was for him. I don't know how active.

Q. He was a close friend of Governor Deneen?—A. Yes.

Q. And is now?—A. Yes.

Q. And Copley was active after the election of William Lorimer for United States Senator on that day or evening, wasn't he?—A. Yes, sir.

Q. In rejoicing and celebrating?—A. Yes, sir.

Q. And so forth?—A. Yes, sir.

Q. And Mr. English was, wasn't he?

Mr. AUSTRIAN. I object. Now, of course, if the committee wants to know how active he was I do not care, but it takes time.

By Senator FRAZIER:

Q. You do not undertake to state Mr. Browne's position or attitude during the entire time of that session before 12 o'clock?—A. No, sir; absolutely not.

Q. Did you notice whether he was in his seat continuously after the session started at 10 o'clock until 12?—A. Well, now, if my memory don't fool me, he went out at one time and stayed away for possibly a half hour, I think.

Q. Who was your desk mate, or the man who occupied the desk nearest to you?—A. Mr. Beckemeyer to the left, and to the left of him was Mr. Luke.

Q. On the left was Beckemeyer?—A. Luke on the end and McCullom next to him, and Shepherd on the other end.

Q. Were those gentlemen in their seats all the time during the session?—A. Mr. Luke was not in his seat. After 12 o'clock Mr. Luke was absent and I sent for him.

Q. Was it unusual for the members of the Illinois legislature to get up and move about through the hall?—A. No; not at all.

Q. And talk to each other?—A. No; not at all.

Q. Was it unusual for the minority leader, Mr. Browne, to get up from his seat and move about and speak to his men during the voting and immediately preceding the vote for Senator?—A. During the vote it was an unusual thing; yes.

Q. Or immediately preceding?—A. Or immediately preceding.

Q. Was it unusual for him to do so?—A. It was not unusual, but that morning he did not do it.

Q. How many votes were taken for United States Senator during that session of the legislature, do you recall?—A. No; I do not recall.

Q. Do you remember Mr. Browne's attitude and position in his seat at any other time during the session when the men were being voted for for United States Senator?—A. Yes; I have noticed him sitting there; yes.

Q. Will you just tell us each one of those sessions and each one of those votes, how it was?—A. Oh, I can't say at each one.

Q. You can at this particular instance?—A. I can that particular one; I was particularly interested.

Q. After the balloting began you noticed Mr. Browne?—A. I did.

Q. And from the time the balloting began until it was concluded Mr. Browne did not leave his seat?—A. He did not leave his seat only to get up and deliver his address.

Q. Did anyone approach Mr. Browne during that time at all?—A. No, sir.

Q. Did anyone speak to Mr. Browne?—A. No, sir.

Q. Did Mr. Browne send any page any where at that time?—A. Somebody sent a page and the page went up—I think, if I remember right, he whispered to the page before the senate came in, and the page went up and got some roll calls, one for Mr.—well, I know Mr. Browne had one, I know I had one, and the page stayed right there so he couldn't have distributed any more roll calls.

Q. And the roll call began very soon after the senate came in?—

A. Well, the first roll call was to find out whether there was a quorum present.

Q. You didn't notice what was going on during that time as to Mr. Browne's attitude to other members?—A. Yes; I was right there; I sat right there and noticed Mr. Browne's actions; yes, sir.

Q. Did anybody talk to Mr. Browne during that time?—A. No, sir.

Q. No one at all?—A. No, sir.

Q. During the time that the roll was called to ascertain whether there was a quorum present?—A. No; there was no one.

Q. Nobody spoke to Mr. Browne?—A. No.

Q. And nobody, you say, spoke to Mr. Browne?—A. Nobody; if I recollect, he was writing at one time; I know he was at one time.

Q. You were watching Mr. Browne all the time?—A. Yes, sir.

Q. And when the roll call began for the vote for United States Senator, you continued to watch him?—A. I certainly did.

Q. You do not undertake to say what occurred before the roll began to be called for United States Senator?—A. I undertake to say when the senate came in, from that time on I would know what have occurred at Mr. Browne's desk, because I was watching him.

Q. And you, during all of that time——A. Yes, sir.

Q. Say that nobody spoke to Mr. Browne and Mr. Browne did not speak to anybody?—A. Absolutely not, because I was right there and looking right at him.

Q. And from the time that the senate came in until the roll call was completed and the Senator elected?—A. Yes, sir.

Q. You undertake to remember that and state that as a fact?—A. I do state it as a fact; absolutely, yes.

Q. Why were you noticing Mr. Browne so particularly at that time?—A. Well, I will tell you why I was. I did not have my eyes glued on him; I was looking his way; and I knew Mr. Browne, being the minority leader, I knew he was the minority leader, and I felt that if anybody did come to Mr. Browne that possibly something would have transpired by which they would change their reason for not voting for Mr. Lorimer and for that reason I was watching Mr. Browne.

Q. Well, but before the roll call began for Senator why were you watching Mr. Browne so closely at that time?—A. I wasn't watching—I was sitting right here like this—looking right at him.

Q. Was it not very usual for senators and members to get up and pass your seat during all that excitement of voting for United States Senator and preceding that?—A. Preceding that? I didn't watch Mr. Browne preceding the time that the senate came in. From the time that the senate came in I was watching him.

Q. All the members of the legislature, both senators and members of the house, sat in their seats during the entire time of the roll call for a quorum and roll call for Senator?—A. I can't tell that; I am not sure, because I was sitting there looking at Mr. Browne. I wasn't looking at the other members. I was looking just as I am looking at you now.

Q. Is it not a fact they were walking around and speaking to each other and in the usual way in those things?—A. No; not on roll call.

Q. They were sitting perfectly still?—A. Yes, sir.

Q. During all that time Mr. Browne did not speak to anybody and nobody spoke to Mr. Browne?—A. No, sir.

Q. The page or anybody else?—A. The page was right around there. I think now—I won't swear to it—I think Mr. Browne sent the page up after two roll calls.

Q. Did the gentleman who sat on your left—— —A. Mr. Beckemeyer.

Q. Mr. Beckemeyer, did he leave his seat at all after the senate came in?—A. I can't swear as to that.

Q. He was immediately on your left?—A. On my left; yes.

Q. You can not swear whether he left his seat or not?—A. No; I can not.

Q. He was a good deal closer to you than Mr. Browne?—A. Yes; but I could see Mr. Browne a good deal better than I could him; I didn't give him any attention; I gave Mr. Browne attention.

Q. Did the gentleman sitting on your right leave his seat and speak to anybody?—A. I can't say as to that.

Q. Did anybody get up and speak to the speaker during that time?—A. I wasn't watching that at all.

Q. And you didn't see that at all?—A. No; no, sir; no, sir. I was looking at Mr. Browne.

Senator FRAZIER. That is all.

Senator BURROWS. This was in the meeting of the joint assembly?—A. Joint assembly; yes.

By Senator JOHNSTON:

Q. Why were you watching Mr. Browne more closely than anyone else?—A. Well, I was watching the minority leader, and he was the man to whom we had to look, understand, and knowing that an effort would be made to elect Mr. Lorimer that morning, why I naturally kept my eyes on Mr. Browne.

Q. Did you expect that Democrats changing their vote from the way they said they were going to vote, would go first to Mr. Browne?—A. I certainly did, yes; that was my judgment.

Q. That is the reason you were watching?—A. That is the reason.

Q. To see if there would be any change?—A. If there was any change why Mr. Browne would be the man that would know it and I would immediately ask Mr. Browne if there would be such a change.

Q. Was there any one sitting to Mr. Browne's right, in the seat immediately to his right?—A. To his right, yes; Mr. Gorman is the member to his right.

Q. Was he in his chair?—A. He was in his chair; yes.

Q. No one was on his left?—A. No; that was the aisle.

Q. Who was in front of him?—A. Mr. Tippit, I think.

Q. And who behind him?—A. Behind him was Mr. Luke, supposed to be; but he wasn't there until I sent for him.

Q. Could Mr. Browne talk to the man in front of him by leaning over on his desk?—A. He could, but he wouldn't; they were bitter enemies; they didn't talk at all.

Judge HANECY. He was the leader of the other faction.

Senator JOHNSTON Yes; I understand.

Q. Who sat on his right?—A. On Mr. Tippit's right?

Q. No; on Mr. Browne's right?—A. Mr. Gorman, of Peoria.

Q. They were near and could converse with each other?—A. Yes sir.

Q. You recall that they did not converse?—A. I don't. No; they lid not converse; no, sir; they didn't converse. This was from 12 'clock.

Q. Yes?—A. Yes.

Q. How long was that roll call?—A. Well, I don't know how long t took; they didn't start—I would say about ten minutes to 1 that the enate got through with the roll call. Several senators delivered ad-lresses, two or three of them, and then the roll call was had.

Q. Well, did they deliver addresses during the roll call or pre-ious?—A. No; during roll call; during the roll call.

Q. Their names were called?—A. And they responded; there was enator Isley and Senator Daily I remember now; there might have een others.

Q. Did Mr. Browne deliver an address?—A. Yes.

Senator BURROWS. This was in the joint assembly?

The WITNESS. Yes, sir.

By Senator FRAZIER:

Q. How long after the senate came in and the joint assembly as-embled until the roll call began for the election of United States enator?—A. Well, I would say possibly about forty minutes.

Q. About forty minutes?—A. I think it was.

Q. Before the roll call actually began?—A. Well, no. Now, let ie see—yes; somewhere around there after those addresses were de-vered; somewhere around there I should think so.

Senator FRAZIER. That is all.

Judge HANECY. That is all.

Mr. AUSTRIAN. Mr. Alschuler, had you and Mr. Browne conversed ith reference to who was going to vote for Mr. Lorimer?—A. Yes.

Q. Did you have the names of them?—A. I didn't have the names;

Q. Did you have the number?—A. Not exactly the number, but I ink they had enough.

Q. Mr. Browne said he had enough?—A. Yes, sir.

Q. When did he tell you that?—A. I think he told me that the ight before.

Q. The night before?—A. I think so.

Q. The night of the 25th?—A. The night of the 25th; yes.

Q. About what time?—A. Oh, I don't know.

Q. Well, where?—A. Well, I think the St. Nicholas Hotel; that is here I was stopping.

Q. Can you tell us the time?—A. I can not.

Q. And he told you they had enough?—A. He told me he thought ey had enough to elect Mr. Lorimer.

Q. Did he go over the names with you?—A. No; he didn't go over ie names.

Q. Did you discuss any of the members with him?—A. No; I don't ink I did.

Q. No members at all?—A. No members at all; well, hold on. ust wait a minute. I think possibly I did discuss Mr. Shephard, if am not mistaken.

Q. Any others?—A. No; I don't think so.

Q. Did you tell him of any Democrats that you had convinced or ot to vote for Mr. Lorimer, or who had promised you to vote for

Mr. Lorimer?—A. No; I don't think I did; no; I don't think I did.

Q. And notwithstanding your activities among the Democratic members of the house you did not go over the list of names with Mr. Browne?—A. You mean that he had a list? He had no list there.

Q. Oh, he didn't?—A. He didn't have a list; no

Q. Did he have a book?—A. No, sir.

Q. Or any memorandum?—A. No, sir.

Q. He just knew them by heart?—A. I don't know how he knew them; he told me he thought they had enough.

Q. But he didn't know what Democrats he had or what Democrats he didn't have?—A. Well, you must remember that I had talked to a lot of different men myself the previous day.

Q. But you can not tell us the names of any Democrats you talked to?—A. No; I can't. I talked to Mr. Shephard, I think, and I talked to Beckemeyer the previous day, and I think I spoke to McCullom. Well, I will tell you, I had an interview in the Aurora paper, if you will allow me—I had an interview in the Aurora paper with regard to some statement Mr. Shephard had made, and I said if there is anybody I haven't talked with I said "I wish to apologize for it."

Q. That was very cute, was it not?—A. It wasn't cute, but it was true.

Q. I am asking you to tell the committee who the Democrats were you talked to.—A. I can't say.

Q. And got to vote for Mr. Lorimer?—A. I don't know whether I got anyone to vote for him.

Q. You just took it for granted when Mr. Browne said he had enough?—A. He had enough.

Q. Now, you refer to Democrats?—A. Yes.

Q. If a Democrat had gone up to Mr. Browne during the course of that joint assembly, you would not have known whether he was one of the Democrats that promised to vote for Mr. Lorimer or not?—A. It would make no difference to me. I would want to know what he was doing there.

Q. You were not sufficiently interested the night before to ask him what Democrats he had gained?—A. I knew the Democrats, practically, who had agreed to vote for Mr. Lorimer, because he told me there was quite a number of them they thought they would vote for Mr. Lorimer.

Q. A number of them?—A. Yes.

Q. How many?—A. I can't say; 20 or 25.

Q. He got 53 Democratic votes?—A. Yes, sir.

Q. Why, if you were interested enough to watch Mr. Browne to see whether any Democrat went to him for the purpose of inquiring what he wanted to see him for, you were not sufficiently interested to ask him the night before?—A. No; Mr. Browne told me he had enough and I had confidence to know he did have enough.

Q. If you had enough confidence in Mr. Browne to feel he did have enough, didn't you have enough confidence in Mr. Browne the next day when you were watching him to know he had still enough?—A. I had enough confidence in him all the time.

Q. Still you watched him?—A. If any member came up there, I wanted to know what he was doing. I watched him as I am watching Senator Frazier now; I was sitting like this and I couldn't help but

vatch him, and if anybody would have gone up there I would have bsolutely known it.

Q. When the senate came in, some of the house vacated their eats?—A. Yes.

Q. How many senators were there?—A. How many were there?

Q. I don't know.—A. Well, I don't know myself, 89—let me see ow many there was. I forget the number of senators. How many istricts are there?—Fifty-two, I think 52 senators, and—let me see— don't know how many there was.

Q. You don't know how many members of the Illinois senate there as?—A. I think 204 members in all, jointly.

Q. Two hundred and four members of the house and senate?— . Two hundred and four.

Q. How many members of the house were there?—A. There was ne hundred and—let me see—and fifty-three, I think.

Q. You think 153 members of the house?—A. Yes, sir.

Q. Then if there were 51——A. Fifty-one in the senate.

Q. If there were 51 and 50 present, those 50 senators when they ime into the house, 50 house members vacated their seats, didn't ney?—A. Yes.

Q. And moved to other parts of the house?—A. Yes.

Q. And there was considerable confusion?—A. At the time they ime in; yes.

Senator Heyburn. I desire to ask a question. You say it was bout an hour from the time the joint session began voting until ne vote finally was taken?—A. I should say thirty-five to forty inutes.

Q. How many speeches were made?—A. A number of speeches ere made. The only ones that I can remember particularly, I re- ember Senator Isley's and Senator Daily's.

Q. From what part of the house were those speeches delivered, om where you were sitting?—A. I think Mr. Isley was right beside e, but I am not positive, and Mr. Daily was in front of me, I think; am not dead sure.

Q. Any of them behind you or off to one side?—A. I think Mr. sley was behind me, if I am not mistaken.

Q. Did you pay any attention to Mr. Daily's speech?—A. I heard s speech.

Q. Did you see him make it?—A. As he got up; yes.

Q. And you watched him?—A. No; I didn't watch him at all; sat there listening.

Q. Did you face him?—A. No, sir.

Q. You still kept your eyes on Mr. Browne?—A. I kept my eyes front of me; yes.

Q. While every other man was speaking?—A. No—what is that?

Q. And you didn't look at any of the speakers?—A. I looked at em. I kept my eyes like I am keeping them now; like this.

Q. They were all in front of you?—A. All in front of me; not hind me.

Q. No speakers were behind you?—A. Well, Mr. Isley, I think, as behind me.

Q. Or off to one side?—A. He was behind me, or off to one side, am not sure which.

Q. Was Mr. Browne between you and the speaker?—A. Not be tween; he was just off a little ways.

Q. You sat behind Mr. Browne?—A. Yes, sir.

Q. During all of these speeches that were made in placing in nomi nation and otherwise, you kept your eyes on Mr. Browne?—A. Wel the only speeches that were made I think were Mr. Isley and Mr Daily and one or two others; very short ones, if I am not mistaken; am not sure.

Senator GAMBLE. Did Mr. Browne speak during the joint sessio when his name was called?—A. Yes; he spoke before his name wa called; he asked unanimous consent that he be allowed to address th joint session, and it was given.

(Judge HANECY here rose to examine the witness.)

Mr. AUSTRIAN. Just a moment; I have not finished. If you de sire to examine, Judge, proceed; I just wanted to ask one question.

Judge HANECY. Proceed.

Mr. AUSTRIAN. Mr. English made a speech?—A. Yes, sir.

Q. Where was Mr. English?—A. He was back of me.

Q. Back of you?—A. Yes; back of me.

Q. Mr. English was the man that Mr. Browne got up and cha lenged to go outside, wasn't he?—A. Well, that Mr. English had mad some statement——

Q. There was great feeling displayed on the floor of the hous between Mr. Browne and Mr. English?—A. Yes, sir.

Q. Did you turn around when Mr. English was making th speech?—A. I am not sure whether I did or not—no; I didn't.

Q. You kept your eyes in front of you, then?—A. When the ex citement started between Mr. Browne and English, I think I did tur around and look at English.

Q. English had made a speech covering some minutes?—A. No this was while English was making the speech.

Q. While Mr. English was making a speech which covered eight o ten minutes?—A. I should think all of that.

Q. And you kept your eyes still in front of you?—A. Yes, sir.

By Senator FRAZIER:

Q. Was that a bitter speech against Mr. Browne; was there any thing personal in it?—A. Yes; there was some bitterness. Mr Browne had made a speech and Mr. English spoke afterwards.

Q. Had Mr. Browne made some reflections upon Mr. English o referred to him in any way?—A. Not on English, no; but Mr. Eng lish in his speech made some remark, I don't know what it is now, forget now what it was, which aggravated Mr. Browne.

Q. There was some confusion and difficulty arose?—A. Yes; b tween them.

Q. And did you take the liberty of looking at Mr. English at th time or not?—A. I turned and looked at Mr. English and turne back.

Q. You did actually look at Mr. English?—A. I did turn arou and look at Mr. English and turned back; yes.

Mr. AUSTRIAN. Mr. Alschuler, Mr. Browne had said in his speec hadn't he, that "You can't cash dreams," and when Mr. English g up Mr. English said, "But you can cash votes," didn't he; an then did not Mr. Browne say that if he thought that the remar

ere directed toward him that he would ask him to step out, and ne of the two would not return? Is not that substantially what ook place between them?—A. Something like that; yes. I don't now the exact words; I don't remember them.

Senator BURROWS. Is that all?

By Judge HANECY:

Q. Mr. Alschuler, Mr. Tippit was the leader of the minority fac-on of the Democratic side?—A. Yes, sir.
Q. Did he vote for Senator Lorimer?—A. Yes.
Q. Do you know Mr. Blair?—A. Yes, sir.
Q. Was he one of the Tippit faction?—A. Yes.
Q. And Mr. Espey?—A. Yes.
Q. Was he of that faction?—A. Yes.
Q. Mr. Galligan?—A. Yes.
Q. Mr. Hruby, H r u b y [spelling name]?—A. Yes.
Q. Mr. Kannally?—A. Yes.
Q. McCullom?—A. Yes.
Q. McConnell?—A. Yes.
Q. McLaughlin?—A. Yes.
Q. O'Neal?—A. Yes.
Q. Poulton?—A. Yes.
Q. Riley?—A. Yes.
Q. Whelan?—A. Yes.
Q. And Frank Wilson?—A. Yes.
Q. They were all members of the Tippit faction?—A. Yes.
Q. Did they or not——A. They were called which faction?
Q. Yes; they were the ones. They were beaten in the vote for the inority leader?—A. Minority leader; and then sort of bolted.
Q. Yes. Did all of those men, or any of them, vote for William orimer for United States Senator on that day?—A. They all voted or him; yes.
Q. All of them?—A. Yes, sir.
Q. Including Mr. Tippit, the leader?—A. Yes.
Q. Their so-called leader?—A. Yes.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Will you need this witness further?

Judge HANECY. I do not think so, Mr. Chairman.

Senator BURROWS. Then the witness may be excused?

Mr. AUSTRIAN. Yes.

Judge HANECY. I can call the page, Mr. Chairman.

Senator BURROWS. What is his name?

Judge HANECY. Paul McCann.

Senator BURROWS. Mr. McCann.

Mr. AUSTRIAN. Mr. Chairman, may I ask counsel a question? I o not ask you to indicate it now, but whenever it looks as though ; might be twelve or twenty-four hours of closing his case that he indly indicate it so we can get such witnesses as we require on rebut-al without delaying the proceedings.

Judge HANECY. I can not tell you when I will close mine until you ell me when you close yours. I shall ask that I shall not be com-elled to go on and put all my witnesses on until they shall have closed heir side.

Mr. AUSTRIAN. I haven't any objection to that. We are waiting for Mr. Browne, Mr. Broderick, and Mr. Wilson, and then the three witnesses whose names were disclosed yesterday. They were sent for at the request of the committee, and they have been subpœnaed.

Senator BURROWS. They have been subpœnaed and sent for. We have a telegram——

Mr. AUSTRIAN. It is only to save the delay that may be attendant upon a sudden closing of the case.

Judge HANECY. I will try and fill in time and expedite as much as possible.

Mr. AUSTRIAN. Counsel knows as much about the three witnesses yesterday as I do.

Senator BURROWS. We have a telegram that Mrs. Luke will be here in the morning at 8 o'clock, to-morrow morning; and the witnesses you subpœnaed yesterday?

Mr. AUSTRIAN. I understand he has got a response from some of them.

Paul McCann, called as a witness herein, being first duly sworn by Senator Burrows, testified as follows:

By Judge HANECY:

Q. What is your full name?—A. Paul McCann.

Q. Were you a page in the house of the last legislature?—A. I was.

Q. Did you do the work for any particular member of the house or were you with any particular member generally?—A. I was.

Q. What member?—A. Mr. Lee O'Neill Browne.

Q. He was the minority leader?—A. Yes, sir.

Q. Do you remember the joint session on the 26th of May, 1909?—A. Yes, sir.

Q. Do you remember when the senate came into the house and took their seats at 12 o'clock, or about that time?—A. I do.

Q. Where were you at that time?—A. At Mr. Browne's desk.

Q. Won't you talk louder, so we can all hear?—A. Mr. Browne's desk.

Q. How long did you remain at Mr. Browne's desk from the time that the senate came into the house?—A. Until the senate went out.

Q. All the time?—A. Yes, sir.

Q. Did you leave Mr. Browne's desk at any time while the joint session was on, from the time the senate came in until the joint session arose?—A. At no time.

Q. Where was Mr. Browne's seat; that is, was it an aisle seat or center seat?—A. It was the third seat, first aisle from the main aisle going up to the left; on the left side, the third seat.

Q. The third seat from the front?—A. Main aisle, and it is the first aisle from main aisle, third seat, as you go up the aisle from the left.

Q. Going up from the speaker's?—A. Yes, sir.

Q. And he had one of the aisle seats, did he?—A. Yes, sir.

Q. Do you know Mr. George W. Meyers?—A. Yes, sir.

Q. A member of that house?—A. Yes, sir.

Q. Did you see him in the house during that joint session after 12 o'clock of that day?—A. Yes, sir.

Q. Did he at any time go to Mr. Lee O'Neill Browne's desk or seat and talk with Mr. Lee O'Neill Browne?—A. At no time.

Q. Was there any seat—I will withdraw that—was the aisle at the left of Mr. Browne as he sat in his seat; was the aisle at the left or right of Mr. Browne; was it on the left of him; was that the aisle or was the aisle on his right as he sat facing—— —A. It was on his right.

Q. It was at his right?—A. Yes, sir.

Q. Was there any other seat in the aisle adjoining, immediately adjoining Mr. Browne's seat?—A. No, sir.

Q. During that joint session?—A. No, sir.

Q. Did anybody bring a chair or a stool or a camp chair or camp stool or anything else to sit on, anything else and put it in the aisle to sit on?—A. No, sir.

Q. Did Mr. Meyers, a member of the house, go over to Mr. Browne's desk and sit down in any of the seats adjoining him, in the front or the rear or at the left of him, during that joint session after the senate came in and the roll call proceeded?—A. No, sir.

Q. If Mr. George W. Meyers had talked with Lee O'Neill Browne at his desk there on that day after the senate came into the house and the roll call started, the joint session, at any time before the joint session arose, would you have seen it and known it?—A. I would.

Q. Did Mr. Browne leave his seat during the joint session after 2 o'clock when the senate entered the house and the roll call was made until the joint session arose?—A. No, sir.

Q. What were you doing during all that time?—A. Keeping a roll call.

Q. What is that?—A. Keeping a roll call.

Q. Where?—A. At Mr. Browne's desk.

Q. Did you stand in the aisle at his desk?—A. Yes, sir.

Q. All the time?—A. Yes, sir.

Mr. AUSTRIAN. Why not let him testify, I submit——

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. How old are you, boy?—A. Sixteen years old.

Q. And when this occurrence took place you were 14 or 15?—A. I was about 15.

Q. When is your birthday?—A. January.

Q. You were 16 this January?—A. Yes, sir.

Judge HANECY. This last January.

Mr. AUSTRIAN. I mean this last January. And you were 15 years and some three or four months when this occurrence took place?—A. Yes, sir.

Q. How many pages are there in the house?—A. I should think——

Q. Keep your voice up and talk so Senator Heyburn can hear you.—A. I think about 12.

Q. Twelve?—A. Yes, sir.

Q. Are those pages at the bidding of all members of the house alike?—A. Yes, sir.

Q. If Senator Alschuler asked you to go and do an errand for him you would go?—A. Yes, sir.

Q. I said "Senator," I meant Representative Alschuler. And if Mr. Beckemeyer should ask you to go and do an errand for him you would go?—A. Yes, sir.

Q. That is, no one has any special privilege with you?—A. No, sir.

Q. Now, Mr. McCann, this occurrence you speak of took place on the 26th of May, 1909?—A. Yes, sir.

Q. When for the first time was your attention drawn to it thereafter?—A. I don't understand you.

Q. When, for the first time atfer the 26th of May, 1909, was your attention directed to the occurrences of that day?—A. At the second trial of Lee O'Neil Browne.

Q. And that was in June or July, 1910; is that correct?—A. No; it was in——

Q. Take your hand down.—A. It was in—well, it has been about three weeks ago, I guess, or four weeks.

Q. Well, in August, 1910?—A. Yes, sir.

Q. And between May, 1909, and August, if that is the correct date, 1910, your mind did not recur to it at all?—A. No, sir.

Q. There was nothing unusual about it, was there?—A. No.

Q. When the joint assembly came in where were you?—A. At Mr. Browne's desk.

Q. What seats did the joint assembly occupy?—A. All around the front aisles and down the main aisle.

Q. That is, the senators not having seats in the house, there were temporary and provisional seats made for them?—A. Yes, sir.

Q. Down the main aisles in the front of the house, and they occupied some of the representatives' seats, didn't they?—A. Well, not so much as the main aisle and around the speaker's desk.

Q. What sort of a seat did Lee O'Neill Browne sit in?—A. A regular chair, swinging chair.

Q. A swinging chair with sides to it?—A. Yes, sir.

Q. Was the seat next to him occupied at all times?—A. Yes, sir.

Q. The seat next to the man next to Lee O'Neill Browne, was that seat occupied at all times?—A. Yes, sir.

Q. The seat back of him occupied at all times?—A. Yes, sir.

Q. The seat in front of him occupied at all times?—A. Yes, sir.

Q. And from the time that the joint session assembled; is that correct?—A. Yes, sir.

Q. You know that of your own knowledge?—A. Yes, sir.

Q. You are positive about it?—A. Yes, sir.

Q. That those four seats were occupied at all times?—A. Yes, sir.

Q. Was there anyone passing up and down the aisles at that time?—A. Not only pages.

Q. Only pages; no senator or member of the house got up?—A. No, sir; only while they made their speeches.

Q. Where were you when Mr. Browne made his speech?—A. At his desk.

Q. Mr. Browne stepped out in the aisle, didn't he?—A. No, sir.

Q. He didn't?—A. No, sir.

Q. He just stood right in his seat, which was the third seat from the front, and looked directly at the speaker, didn't he?—A. Yes, sir.

Q. And didn't turn around to the back of the house at all, did he?—A. Well, he turned around as he made his speech.

Q. Didn't he step out in the aisle?—A. No, sir.

Q. You are sure of that?—A. No, sir.
Q. You were there when Mr. Browne shook his fist at some one?—A. Yes, sir.
Q. Who was the man?—A. I can not tell you that.
Q. You don't know who that man was?—A. I do not remember.
Q. Some man had charged Mr. Browne with something that morning?—A. I don't remember.
Q. But you remember Mr. Browne got very angry about it?—A. No, sir.
Q. Do you remember who made speeches that day?—A. No, sir.
Q. Nothing at all about it, do you?—A. No, sir.
Q. Do you remember that Mr. Browne made a speech that day?—A. Yes, sir.
Q. Do you remember what other pages came to Mr. Browne that day?—A. No, sir.
Q. Will you tell this committee that no other pages did come to Mr. Browne that day?—A. Yes, sir.
Q. That you were the only one?—A. I was the only one.
Q. Did you stay there?—A. Yes, sir.
Q. Did you never leave Mr. Browne's desk from the time the senate came in until after the election and go out of the senate; is that correct?—A. Yes, sir.
Q. That is correct, is it?—A. Yes, sir.
Q. Now, where were you for fifteen or twenty minutes before the roll call began?—A. Well, I was at Mr. Browne's desk, and about five minutes before the senate came in I went down and got a couple of roll calls; I kept one myself, gave Mr. Browne one, and I gave Mr. Gorman or Mr. Alschuler the other, I have forgotten which one.
Q. You have an independent recollection of that?—A. Yes.
Q. Who told you to give Mr. Gorman or Mr. Alschuler one?—A. Nobody.
Q. How did you happen to give them one?—A. I asked for two and he gave me three by mistake.
Q. Did Mr. Alschuler call you to give him one?—A. No, sir.
Q. You just went over and gave him one?—A. I don't remember who I gave it to.
Q. Mr. Alschuler was sitting where, with reference to Mr. Browne?—A. Right back of Mr. Browne.
Q. Sitting immediately back of him?—A. No.
Q. Three seats away, was it not?—A. Yes, sir.
Q. And you know everything that transpired there except you don't know the speeches or who made them; is that correct?—A. Yes, sir.
Q. And you never left that place?—A. No, sir.
Q. Where were the other pages?—A. Why, around at their different men's station.
Q. How long did it take from the time the joint assembly convened until after Mr. Lorimer was elected?—A. Why, it was a little later that day than usual; it was about, I guess, 1 o'clock when it was all through.
Q. It was all over in an hour, was it?—A. Yes, sir.
Q. They came in at 12?—A. Yes, sir.
Q. And it was all over in an hour?—A. Just about an hour.

Q. And no one passed by that aisle or down that aisle and no one left their seats and no one spoke to Mr. Browne, and Mr. Browne spoke to no one; is that correct?—A. Yes; only the pages walked up and down the aisle.

Q. Just the pages?—A. Yes, sir.

Q. And pages walked up and down by you, too, did they?—A. I don't remember of any walking by me.

Q. Will you say there were no pages walked up and down?—A. Yes.

Q. There were no pages passing up your aisle; is that correct?—A. Yes, sir.

Q. You were the only page in that aisle?—A. Yes, sir.

Q. You are sure of that?—A. Yes.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator JOHNSTON. Did anyone have a conversation with Mr. Browne during the roll call?—A. No, sir.

Q. Did any message come to him, any messenger?—A. No, sir.

Senator FRAZIER. Were you present at the voting for United States Senator on the day preceding or at the time preceding the time at which Mr. Lorimer was elected?—A. Yes, sir.

Q. Where were you on that day?—A. At Mr. Browne's desk, as usual.

Q. Did anyone speak to Mr. Browne during the joint session that day?—A. I do not remember.

Q. You don't remember. Did Mr. Browne leave his seat during the joint session that day?—A. I don't remember.

Q. Were you present at the session preceding that—two sessions back—of the time at which Mr. Lorimer was elected?—A. Yes, sir.

Q. Did anyone speak to Mr. Browne during that session?—A. I don't remember that.

Q. Did Mr. Browne leave his seat during that session?—A. I don't remember.

Q. This joint session was in session something like an hour, you say?—A. Yes, sir.

Q. How long was it after the senate members came into the house until the balloting began for United States Senator?—A. Well, about fifteen minutes.

Q. About fifteen minutes?—A. Yes, sir.

Q. What was being done during that time?—A. Well, they called to see whether there was a quorum present.

Q. There was a roll call?—A. Yes, sir.

Q. For a quorum?—A. Yes, sir.

Q. It is usual, is it not, during the calling of the roll of the house or of the joint assembly for senators and members to move about out of their seats and talk to each other, and so forth?—A. Yes, sir.

Q. On that particular morning were they following that usual custom of moving about?—A. Well, I don't remember.

Q. During the roll call to ascertain whether a quorum was present or not?—A. Not during the time the senate came in; until the senate came up there was no one moving, except pages, as I remember it.

Q. On that particular morning there was not a member of the house or senate that moved during the time or from the time they came in and during the entire roll call to ascertain whether there was

a quorum or not?—A. Not that I remember of; not that I know anything about.

Q. Well, do you know anything about it?—A. No, sir.

Q. You don't remember anything about it. Well, they might have moved around, if you don't remember about it, mightn't they?—A. Well, they might; my back was turned to some of them.

Q. And do you state—can you remember whether the members were all in their seats or whether any of them were moving about during the time of the roll call to ascertain whether there was a quorum present?—A. They were in their seats mostly all the time.

Q. Every man was in his seat?—A. Yes, sir.

Q. Both the senate and members of the house?—A. Yes, sir.

Q. During the entire roll call not a man left his seat?—A. Not that I know of.

Q. Do you remember?—A. No, sir.

Q. You don't remember whether they did or not?—A. No, sir.

Q. They might have left their seats, if you do not remember?—A. Yes.

Q. You do not undertake to state that they all sat in their seats during the time?—A. No, sir.

Q. Well, during that time they may have moved about up and down that aisle or spoke to each other, mightn't they?—A. They might.

Q. They might for all you know?—A. Yes, sir.

Q. You don't undertake to remember, young man, do you, every man that spoke to Mr. Browne or anybody else during that day?—A. Well, I remember more particularly that day for it was more busier around that day than usual.

Q. More busier. More excitement, wasn't there?—A. Yes.

Q. More stirring about?—A. Yes, sir.

Q. Men were more excited and there was a spirit of excitement in the assembly that day?—A. Yes, sir.

Q. You do not undertake to say therefore that every man was sitting in his seat during that entire hour?—A. Well, most all of them were sitting in their seats, if I remember correctly, answering to their names on roll call of the senate.

Q. Pages are pretty busy during the sessions of the legislature, are they not, during joint sessions?—A. Yes, sir.

Q. Many men were calling pages and sending them here and there?—A. Yes, sir.

Q. You were subject to anybody's call?—A. Yes, sir.

Q. Any member of the house or senate during the joint session?—A. Yes, sir.

Q. You did answer one whenever you were wanted?—A. Yes, sir.

Q. On that morning were you called at all by anybody?—A. Well, I done more work for Mr. Browne than anybody.

Q. I know, but were you called for anybody on the occasion of the joint session?—A. Not that I remember.

Q. You don't recall at all? You might have?—A. Well, I might but don't think I had.

Q. You might but don't think you had. Do you know whether the gentleman who sat back of Mr. Browne was in his seat during all of that time?—A. Well, he had the habit of roaming around.

Q. He had a habit of rambling around?

Judge HANECY. Roaming around.
Q. Roaming around?—A. Yes, sir.
Q. Who was he?—A. Mr. Luke.
Q. Mr. Who?—A. Mr. Luke.
Q. The man that sat on the left, I believe—was the aisle on the right or left?
Judge HANECY. The aisle was on the right.
Senator FRAZIER. The man that sat on the left of Mr. Browne, was he in his seat all the time?—A. Yes, sir.
Q. Who was he?—A. Mr. Allison, if I remember.
Q. Mr. Who?—A. Allison.
Q. Is he living yet?—A. I think he is.
Q. You think he is. Do you undertake to say that he did not leave his seat during that entire hour of the joint session?—A. Yes.
Q. Were you watching him?—A. Well, I was standing right by the side of Mr. Browne's desk, and I had to face him to take the roll call.
Q. Of course. How do you remember about the man not leaving his seat a year and a half ago on an occasion of that sort where there was more or less excitement? How do you remember or undertake to remember that, young man?—A. Well, it was a more excitement day than was usual.
Q. Do you undertake to remember on any other day whether men left their seats or not?—A. No, sir.
Q. And whether any man spoke to any man or not?—A. No, sir.
Judge HANECY. That is the only day that the United States Senator was elected, was it not?—A. Yes, sir.
Q. And did you keep the roll call all that day? I mean all that session. I mean that session of that day from the time the joint session commenced?—A. Yes, sir.
Q. That is, I mean the vote for United States Senator. Was there more than one ballot that day for United States Senator when William Lorimer was elected?—A. No, sir; I do not think there was.
Q. He was elected on the first ballot?—A. First ballot.
Q. Where did you—I think you told Senator Frazier that you were keeping the roll call?—A. Yes, sir.
Q. Where did you have the blank form that you were keeping the roll call on?—A. On Mr. Browne's desk.
Q. Were you standing?—A. Yes, sir.
Q. Did you mark on the roll call every name; I mean each name as it was called?—A. Yes, sir.
Senator HEYBURN. I desire to ask a question. Were any speeches made after the roll call commenced? Did they interrupt the roll call to make speeches?—A. Yes, sir.
Q. Were any made before the roll call commenced?—A. I believe there was; a couple.
Senator BURROWS. That is all.
Judge HANECY. You were attached to Lee O'Neil Browne all of that session, were you?
Mr. AUSTRIAN. Just a moment. I object to counsel testifying. The boy has stated what his relations were and what his duties were, and now counsel endeavors to put other words into this witness's words. I object as leading.

Judge HANECY. I did not understand what he said. What is the fact as to whether you were there all the time?—A. I was at Mr. Browne's desk most all the time.

Q. During that entire roll call?—A. Yes, sir.

Q. Did you keep any other roll call?—A. Yes, sir.

Judge HANECY. That is all.

Mr. AUSTRIAN. Boy, you remember the first roll call and vote for United States Senator in the joint assembly?—A. No, sir; I don't.

Q. There was a good deal of excitement that day, too, wasn't there?—A. Well, it has been so far back I can't remember.

Q. That was in January, 1909, was it not?—A. Yes, sir.

Q. Do you remember the first day they voted for United States Senator in joint assembly?—A. No, sir; I don't.

Q. You have no recollection on the subject at all?—A. No, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. You didn't keep the roll call any other day but that, did you?—A. Only at important matters.

Q. Only what? I mean the senatorial roll call on United States Senate.—A. No, sir.

Q. That is the only day you kept a roll call, is it?—A. Yes, sir.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all, witness.

WITNESS. May I be excused for good?

Judge HANECY. Just a minute. He wants to know if he is excused for good.

Senator BURROWS. Are you through with this witness?

Mr. AUSTRIAN. Yes.

Senator BURROWS. You may be excused.

WITNESS. Excused for good?

Senator BURROWS. You may be excused from further attendance on the committee. Can you call another witness?

Judge HANECY. I am all through now, Mr. Chairman, except three or four, and one or two are not here. We have sent for them, and one, I know, won't be here until to-morrow morning.

Senator BURROWS. Do you know whether you have any other witnesses here now that you can put on?

Judge HANECY. I have another one here, but I prefer not to put him on at the present time.

Senator BURROWS. Have you any you can put on now?

Mr. AUSTRIAN. I have no witnesses here. The only ones are the three you have sent for, and Mr. Broderick and Mr. Browne.

Senator BURROWS. The three witnesses that were sent for last night?

Mr. AUSTRIAN. Yes; and Browne and Broderick.

Senator BURROWS. I have a dispatch that Mrs. Luke will be here in the morning.

Mr. AUSTRIAN. Yes; and I will put her on if she knows anything.

Senator BURROWS. The committee will then adjourn until 10 o'clock to-morrow morning.

Mr. AUSTRIAN. Can I ask a question, Judge? Do I understand you, Judge, that you only have two or three witnesses?

Judge HANECY. No; I said I had three or four that I know of now, but I do not care to put them on now.

Mr. AUSTRIAN. That is all right; I just wanted to know when I could get what witnesses I want for rebuttal. If you can give me an idea so I won't delay you or the committee when you get through, that is all.

Senator BURROWS. Counsel can get together and talk that over.

Judge HANECY. You better have your witnesses ready. I have been holding mine here for two or three days so as to fill in here when you were not ready to go on.

Mr. AUSTRIAN. I have been ready at all times.

(Thereupon the committee adjourned until to-morrow morning at 10 o'clock.)

WEDNESDAY, OCTOBER 5, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. the committee met pursuant to adjournment, whereupon the following proceedings were had:

The following members of the subcommittee being present: Hon. J. C. Burrows, chairman, Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. James H. Paynter, Hon. Joseph F. Johnston, and Hon. James B. Frazier.

Senator BURROWS. Mr. Austrian, who would you like to call?

Mr. AUSTRIAN. Mrs. Luke.

Senator BURROWS. Mrs. Luke will be called.

Mr. AUSTRIAN. To save the time of the committee, I understand Mr. Tyrrell is here, and if you desire to put him on now, we can do so, or would you prefer to wait for Mrs. Luke?

Senator BURROWS. Mr. Tyrrell, did you say?

Mr. AUSTRIAN. Yes; just which ever you prefer. Well, perhaps we had better wait for Mrs. Luke, if she is coming.

Senator BURROWS. I understand she will be here in two or three minutes.

Mr. AUSTRIAN. Oh, yes; all right.

Senator BURROWS. Is this witness Tyrrell here?

Mr. AUSTRIAN. I think he is, Senator.

Senator BURROWS. Is he a short witness?

Mr. AUSTRIAN. I think he is, Senator; but I have not talked with him.

Senator BURROWS. You say the name is Tyrrell?

Mr. AUSTRIAN. Tyrrell.

Senator BURROWS. Well, here is Mrs. Luke, now.

Mrs. Charles Luke, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Mr. Austrian, and testified as follows:

Mr. AUSTRIAN. Mrs. Luke, will you kindly give the committee your full name? Will you please speak toward Senator Heyburn the last Senator there?—A. Mrs. Charles S. Luke.

Senator HEYBURN. Now, he is trying to give the impression that I can not hear well. If the witness will speak toward the chairman that will be sufficient; I have very acute hearing.

Mr. AUSTRIAN. Mrs. Luke, your husband was Charles S. Luke, was he not?—A. Yes, sir.

Q. He was a member of the Illinois general assembly?—A. Yes, sir.

Q. And was such member in 1909?—A. He was.
Q. When did your husband die?—A. The 21st of February.
Q. 1910?—A. 1910.
Q. Was he in attendance at the legislature, if you know, at the time of the election of the United States Senator?—A. He was.
Q. When did he return—I beg your pardon—where do you live?—A. Now?
Q. No; at the time of the last session of the legislature.—A. Nashville, Ill.
Q. Did he return to Nashville, Ill., after the adjournment of the legislature, if you know?—A. Yes, sir.
Q. The legislature adjourned about the 4th or 5th of June, 1909; can you tell this committee about when he did return; how long after the adjournment of the legislature?—A. Well, I suppose right away.
Q. You believed it was some time in the month of June, 1909?—A. Yes.
Q. Thereafter do you know whether or not he received a telegram from Robert E. Wilson?—A. Yes.
Q. Did you see it?—A. No; he read it to me.
Judge HANECY. I object to that, Mr. Chairman, and I ask that the answer be stricken out, and I shall object to any communications between this lady and her husband during coverture.
Senator HEYBURN. I would suggest that we pass all of that until we have the testimony in, to save time.
Mr. AUSTRIAN. That is perfectly competent under the law of this State; there is no such thing as coverture applying to this transaction under the law of this State.
Senator BURROWS. She said she heard the telegram read; that he read it to her.
Mr. AUSTRIAN. Yes; that is all she has said yet.
Judge HANECY. That is merely hearsay, I think.
Senator BURROWS. I think, under the ruling of the committee already made, we will have to exclude it.
Mr. AUSTRIAN. After the receipt of this telegram, did your husband leave your home in Nashville?—A. Yes, sir.
Q. Do you know where he went?—A. He went to St. Louis.
Q. Upon his return from St. Louis, did he show you anything?—A. No.
Q. Did you see anything he brought with him?—A. No.
Q. Did he have any large amount of money?—A. No.
Q. Did he exhibit to you any amount of money?—A. No.
Q. Did you see $950 in his possession?—A. I did.
Q. When?—A. Before that time.
Q. Before he went to St. Louis?—A. Yes.
Q. Where had he been immediately before?—A. I don't know.
Q. Had he been away from home?—A. Yes, sir.
Q. Had he been to Chicago?—A. No.
Q. Had he been to St. Louis?—A. No.
Q. Where had he been?—A. I don't know.
Q. Was this $950 in large bills or small bills?—A. In small bills.
Q. What denomination?—A. Why, $20, I believe, if I remember right.

Q. Did you and your husband discuss anything with reference to where he had received the $950?—A. No.

Judge HANECY. That I object to.

Mr. O'DONNELL. She said she did not.

Mr. AUSTRIAN. I did not ask for the conversation. I asked whether they discussed it.

Senator BURROWS. She answered they did not discuss it.

Mr. AUSTRIAN. That is all you know about the $950, is it?—A. That is all I know.

Q. Can you tell the committee the time?—A. No; I don't remember.

Q. You don't remember anything about the time?—A. No.

Q. But it was after the adjournment of the legislature, was it?—A. Yes.

Mr. AUSTRIAN. That is all, unless the committee—well, that is all

Cross-examination by Mr. HANECY:

Q. Mrs. Luke, you have been sick for some time, haven't you?—A Yes.

Q. You have had a number of persons following you up at differ ent places, trying to get you to tell some story, haven't you?—A. Yes

Q. About your husband or about what he did, or what he wa supposed to have done in the legislature, and afterwards?—A. Yes

Senator BURROWS. What is your answer to that?—A. Yes.

Judge HANECY. You say, yes.—A. Yes.

Q. Do you know the names of any of those parties?—A. No; don't remember.

Q. Will you look around at the good looking gentlemen on th other side, at your right there, and see if it was any of those partie that talked to you?—A. Yes; I recognize him [indicating].

Q. That is the gentleman who is blushing, Mr. John Callan O'Laughlin, is it?—A. Yes, sir.

Mr. AUSTRIAN. They say he hasn't got a blush in him.

Judge HANECY. Well. I am surprised, as he has been sitting s close to his immediate general neighbors there——

Senator BURROWS. Now, let us go on with this case, Judge.

Judge HANECY. Mrs. Luke, when did Mr. O'Laughlin talk wit you about it?—A. Just a few minutes ago.

Q. Here in the building?—A. Yes.

Q. He knew you were going to be called as a witness?—A. Ye sir.

Q. He knew you were going to be called as a witness before th honorable committee?—A. Yes, sir.

Q. Did he ask you to tell him about what you knew, before yo came in here?—A. Yes.

Q. He did?—A. Yes.

Q. Did he go to your room to do that?—A. Yes, sir.

Q. You were not at all well when you came here?—A. No, si

Q. And you had to go to a room and lie down?—A. Yes, sir.

Q. And did John Callan O'Laughlin go there under those cond tions and ask you about those things?—A. Yes, sir.

Q. Did you talk with him at any other time, or he with you?— A. I never saw him at any other time.

Q. Did he tell you whether he represented anybody or not?— Yes, sir.

Q. What did he say?—A. Counsel for the Chicago Tribune.
Q. He said he was counsel for the——A. Yes; if I remember.
Q. What is that?—A. Yes; if I remember correctly, that is what he told me.
Q. He said he was counsel for the Chicago Tribune?—A. Yes, sir.
Q. Do you know the names of any of the other parties who talked with you about it?—A. No, sir.
Q. There were other parties though who came to see you?—A. Yes, sir.
Q. At your home and at other places?—A. Yes.
Q. Whom did they claim to represent?
Mr. AUSTRIAN. What difference does that make?
The WITNESS. I don't know.
Judge HANECY. You don't know?—A. No.
Senator BURROWS. She says she does not know.
Judge HANECY. You don't know the names of any of those parties?—A. No.
Judge HANECY. I think that is all.

Redirect examination by Mr. AUSTRIAN:

Q. I believe you said February 21, 1910, was when your husband died; is that correct?—A. February 21.
Q. Of this year?—A. Yes, sir.
Mr. AUSTRIAN. That is all.
Senator BURROWS. Do either of you gentlemen desire her to stay?
Judge HANECY. No.
Mr. AUSTRIAN. No.
Senator BURROWS. She is ill—you can be excused, Mrs. Luke.
Mrs. LUKE. Thank you.
Senator BURROWS. You may be excused from further attendance, Mrs. Luke, and we are much obliged to you for coming.
Mrs. LUKE. Thank you.
Senator PAYNTER. Mrs. Luke may go home. I did not know whether she understood that or not.
Senator BURROWS. Yes.

HENRY TERRILL, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Mr. Austrian, and testified as follows:

Q. What is your full name, please?—A. Henry Terrill.
Q. Where do you reside?—A. Colchester, McDonald County, Ill.
Q. What is your business?—A. Merchant.
Q. Merchant?—A. Yes, sir.
Q. At Colchester?—A. Yes, sir.
Q. Were you a member of the forty-sixth general assembly?—A. Yes, sir.
Q. Republican or Democrat?—A. Republican.
Q. In the house or the senate?—A. The house.
Q. Do you remember the election of Mr. Lorimer to the United States Senate?—A. Yes, sir.
Q. That was on the 26th of May, 1909?—A. Yes, sir.
Q. Prior to that time, did you vote for Mr. Lorimer?—A. I did not.
Q. You were a Hopkins man, were you not?—A. Yes, sir.

Q. Prior to the 26th of May, 1909, did anyone offer you any money or any inducement of any kind for the purpose of influencing your vote for Mr. Lorimer?—A. No, sir.

Q. Did anyone have any conversation with you along that line?—A. Yes, sir.

Senator BURROWS. If you will face this way, and speak a little louder, we will be much obliged to you.—A. All right.

Mr. AUSTRIAN. What was your answer, please?—A. Yes, sir.

Q. Will you tell the committee who, when, and where, and all of the circumstances surrounding it?—A. Well, Mr. Griffin, a member of the house also; I think he comes from Cook County, but I don't remember what district. He never made me any offer of cash. He asked me to vote for Mr. Lorimer. I asked him what there would be in it, and he said, "A thousand dollars, anyway." That was all.

Q. When was this conversation?—A. This was either the night before the election of Mr. Lorimer, or two nights before. I am not certain. I think it was the night previous.

Q. Mr. Lorimer was elected on the 26th, and it was there on either the 24th or the 25th?—A. Yes, sir.

Q. Do you know whether Mr. Griffin was a Democrat or a Republican member?—A. A Democratic member.

Q. Do you know what faction he was in on the Democratic side of the house?—A. I do not.

Mr. AUSTRIAN. That is all.

Judge HANECY. Did you tell——

Senator BURROWS. I want to ask him a question.

Q. Did you ask him what there would be in it?—A. Yes, sir.

Q. What did you mean by that?—A. I meant in money is what I meant. I wanted to find out——

Q. Do you mean that you meant to intimate to him that you could be purchased?—A. No, sir.

Q. What did you ask it for?—A. To find out what he was getting.

Q. What he was getting?—A. Yes, sir.

Senator BURROWS. All right; go ahead.

Cross-examination by Judge HANECY:

Q. He did not tell you he was getting anything, did he?—A. No, sir.

Q. Nobody else told you he was getting anything, did they?—A. No, sir.

Q. There was a lot of joking around there, wasn't there, as to every candidate?—A. A great deal of talk; yes, sir.

Q. As to the candidacy of those voting for Mr. Foss, or Mr. Webster, Mr. Mason, and Mr. Hopkins—that talk covered all of the different candidates previous to the election of William Lorimer as United States Senator, didn't it?—A. Well, there was not so much of that talk only on the Lorimer side.

Q. You heard it all through the session, didn't you?—A. Yes, sir.

Q. All through the session, from the beginning down to the time of the closing, didn't you?—(No answer.)

Q. Won't you say "Yes" and not nod your head that way?—A. Yes, sir.

Q. You did not believe it was true, did you?—A. Well, I sort of believed it; yes, sir.

Q. You had heard it so many times with reference to so many different candidates that you thought you would test it, did you?—A. I did not hear it so much about the other candidates.

Q. Well, you did hear it all through the session?—A. Oh, there was some little talk; yes, sir.

Q. You thought you would test some of those rumors, did you?—A. Yes, sir.

Q. And that is why you invited somebody to offer you something?—A. No, sir; I did not.

Q. Well, you asked Mr. Griffin, didn't you?—A. I asked him what there would be in it.

Q. Yes; that is what I say; you invited him, didn't you, to offer you something?—A. No, sir.

Q. You thought it was not an invitation by you to him to offer you something—what is that?—A. No, sir; I don't think it was an invitation for him to offer me anything.

Q. Did you think it would be any inducement for him to offer you anything?—A. I did not know that it would.

Q. You suggested an offer, didn't you?—A. No, sir.

Q. You suggested some offer being made to you, didn't you?—A. No, sir.

Q. Well, you asked what there was in it?—A. Yes, sir.

Q. Well, he did not tell you he got anything, did he?—A. I asked him the question for the purpose of finding out what they were getting out of it.

Q. Yes.—A. My vote was not for sale at any time. If it had been, I think I could have gotten the proffer from Mr. Lorimer himself.

Judge HANECY. I move that be stricken out.

Senator BURROWS. That ought to go out.

Judge HANECY. It is evidently done maliciously.

Q. You were never a friend of William Lorimer's, were you?—A. I never was an enemy of his.

Q. I did not ask you that. I did not ask you whether you were a companion, but I asked you whether you were a friend of his.—A. I was not a friend of his for the United States Senate in the last house.

Q. You were an adherent of former Senator Hopkins, weren't you?—A. Yes, sir.

Q. And you were there actively and energetically for him, weren't you?—A. I voted the first eighteen times for Senator Hopkins. From that I went to Lawrence Y. Sherman, and staid there until the last two ballots, and then went back to Senator Hopkins.

Q. Well, you were all of the time an adherent of former Senator Hopkins, even when you were voting for Lawrence Sherman?—A. Yes, sir; I was.

Q. You changed your voting to Sherman to try and draw somebody else out from there, from the parties they were voting for, so that you might induce them to go to Hopkins when you went; is that not a fact?—A. Yes; that is partially true; yes, sir.

Q. And there never was a time when you were not a strong, active, energetic, and strenuous adherent of Senator Hopkins?—A. That is true.

Judge HANECY. That is all.

Senator BURROWS. Have you any further questions?

Mr. AUSTRIAN. No.

Senator BURROWS. Will there be any need of this witness further?

Mr. AUSTRIAN. No.

Judge HANECY. No.

Senator PAYNTER. Just a question.

Q. Did you tell Mr. Griffin that you asked the question for the purpose of finding out whether he was getting any money?—A. I understood the question was——

Q. I understand you asked the question, but did you tell him the purpose you had in asking the question?—A. No, sir; I did not.

Senator PAYNTER. That is all.

Mr. AUSTRIAN. That is all.

Senator BURROWS. If this witness is not needed by counsel on either side he may be discharged.

The WITNESS. Thank you.

Mr. AUSTRIAN. That is all.

The WITNESS. Thank you.

Mr. AUSTRIAN. I desire to state now, so that there need be no further delay on either side, that with the exception of Browne, Broderick, and Wilson, who are now under advisement—their testimony being under advisement—we have nothing further to offer as a part of our main case.

Judge HANECY. You have Mr. Shaw here.

Mr. AUSTRIAN. I didn't know he was here. Is Mr. Shaw here?

Senator GAMBLE. I thought there were three witnesses subpœnaed.

Mr. AUSTRIAN. I thought they had not come yet.

Judge HANECY. Is Mr. Shaw here?

Mr. AUSTRIAN. I don't want the case held open on that account. I understand that Mr. Terrill only had come at this time.

Senator BURROWS. Mr. Shaw wired that he would be here to-day.

Mr. AUSTRIAN. I did not know that he had done so.

Senator HEYBURN. He is here.

Senator BURROWS. Will you have him called?

Mr. AUSTRIAN. Yes; I will be glad to have him called.

HOMER E. SHAW, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Mr. Austrian and testified as follows:

Mr. AUSTRIAN. What is your full name, please?—A. Homer E Shaw.

Q. Where do you reside?—A. Bement, Ill.

Q. What is your business, Mr. Shaw?—A. I am a banker.

Q. Will you be kind enough to speak loud and address the chairman. Were you a member of the Illinois house in the forty-sixth general assembly?—A. I was.

Q. Republican or Democrat?—A. Democrat.

Q. Do you remember the election of Mr. Lorimer on the 26th of May?—A. Yes, sir.

Q. Did you vote for Mr. Lorimer?—A. I did not.

Q. At any time were you approached with reference to voting for Mr. Lorimer—at any time?—A. I believe I was at one time asked if I could do so.

Q. Anything further?—A. No, sir.

Q. Who approached you?—A. I think Mr. Browne asked me the question.

Q. Lee O'Neill Browne?—A. Yes, sir.

Q. Were there any inducements offered to you?—A. None whatever.

Q. Money or any other consideration?—A. No other consideration whatever.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Any questions?

Cross-examination by Judge HANECY:

Q. Did Lee O'Neill Browne, Mr. Shaw, or anybody else offer you anything, or indicate to you directly or indirectly that you could get anything by voting for William Lorimer for United States Senator?—A. No, sir.

Q. At any time?—A. At no time.

Q. Did you ever tell anybody that anybody had offered you or had indicated to you that you could get some money or other thing of value if you did vote for William Lorimer for United States Senator?—A. No, sir.

Q. Do you know Charles A. White?—A. I do.

Q. A member of the same legislature?—A. Yes, sir.

Q. Did you have a talk with him before the election of William Lorimer for United States Senator?—A. I did.

Q. When?—A. Well, I would not attempt to fix the date, but my recollection is about a week before.

Q. What was the conversation?—A. The conversation was—the matter came up—something came up, as I remember it—now, it is quite a little while ago, and I would not like to state positively just the nature of it, but I think that White made this remark to me: That if he got a chance to vote for Bill Lorimer for Senator he was going to do it.

Q. What was the rest of it?—A. Shall I go ahead and state it all?

Q. Yes; tell what he said to you and what you said to him.—A. I said to him, "Charlie, I think you will make a great mistake if you do anything of the sort." I said, "You know you are a young man; you are new in your district, and undoubtedly stand high with the people down there or they would not have put you here, and I believe it will be your political death if you do anything of that sort," and I told him what I thought would be the condition down there in O'Fallon, where he came from, if he did do this. I told him I did not believe his best political friends would speak to him when he went home, and I remember that he made the remark that he "didn't care a damn," but that he "intended to do it if he got the chance." This, to my best recollection, was about a week before.

Q. Did you say anything to him about the locality from which he came being in southern Illinois, and a strong Democratic district?—A. I did. I mentioned the fact to him that his people were largely foreign; they were French, German, and Irish, very largely.

Q. Did you talk to Mr. White after that?—A. I did.

Q. After the election of a United States Senator on the 26th of May, 1909—the house adjourned about the 4th or 5th of June, I believe, didn't it?—A. Somewhere along there. I don't remember the exact date.

Q. Was there an extra session after that?—A. There was.
Q. Called by the governor?—A. Yes, sir.
Q. And that extra session was divided into two or three parts by recesses, I believe, was it not?—A. Yes, sir.
Q. Did you have a talk with Mr. White at the main part of the extra session, or any of the sessions after that?—A. I think that I was not there the first day of the extra session. As I remember the matter, it was about the second or third day of the session.
Q. Will you be kind enough to tell this honorable committee when that extra session commenced, if you know?—A. I can not say exactly. The records will show.
Q. About when, if you know?—A. I could not give you the date. Along in the winter.
Q. In December sometime, was it?—A. Yes, it was.
Q. Go on.—A. The second or third day of the session, I went down and as I remember the matter, I arrived there about 11 or 12 o'clock and went immediately to the State House. When I went into the house, there were a few other members there, and in the row of seats in which Mr. White sat—he sat on my left, next seat to the left of me. He was the only member in that row. Instead of bothering him to go by him, I slid into the north end of the row, and I sat beside him. I said, as I have done a half dozen times before, "Hello Charlie," and he sort of grunted, and did not say anything more. I had some mail there, and I sat down and read what mail I had, and I think I wrote a couple of letters, and I finally turned to him and asked him, I says, "Charlie, what is the matter with you?" "Oh," he says, "I am sore at myself, sore at the world, and feel bad in general." That is about all. I made the further statement that the things I had told him would happen to him, had about all happened and a good many more.
Q. What were the things you had told him might happen?—A. That his friends would not speak to him, the principal thing; he made a remark that they went across the street, afraid to meet him.
Q. Where?—A. In O'Fallon.
Q. In O'Fallon, his home town?—A. Yes, sir; his home town.
Q. Did you have any further talk with him?—A. No, I do not know that I did after that. I was not a regular attendant at the extra session.
Q. The extra session was called to take action on the waterway and some special matters?—A. Waterway and primaries.
Q. You never did vote for William Lorimer for United States Senator, did you?—A. No, sir.
Q. Do you know Mr. Jacob Groves, a member of the house?—A. I do.
Q. Did you ever say to him, or in his presence, that you could have received, or you could receive money or other thing of value, if you would vote for Lorimer?
Mr. AUSTRIAN. Just a moment. I object, that is not the testimony that is not the testimony.
Judge HANECY. I am asking him if he ever said that, or that in substance, or anything like it?
Mr. AUSTRIAN. I object whether he did or not. Mr. Groves testified—I can turn to it in a moment—Groves testified that he talked with Mr. Terrill; Mr. Terrill told him that he could have gotten

$1,000 for voting for Mr. Lorimer. The question was then asked if he talked to anyone else. He says: "Yes; Shaw and Donohue," but did not—was not permitted to state what Shaw and Donohue had told him.

Judge HANECY. I am not bound by the limitations put upon that witness or the judicious use of the language——

Mr. AUSTRIAN. Well, I withdraw the objection, provided counsel permits the witness to testify and does not testify himself; that is all.

Senator BURROWS: The objection is withdrawn. That will save time. Answer the question. Read the question.—A. Really, I do not know whether I had any talk with Mr. Groves or not. I do not remember any conversation.

Judge HANECY. If you did have any conversation with him, did you say to him or in his presence that you had been offered money or that you could get money for voting for William Lorimer?—A. I did not.

Judge HANECY. That is all.

Senator BURROWS. Anything further?

Mr. AUSTRIAN. Yes; just a moment.

Q. Did you ever talk to Jacob Groves with reference to money being paid at Springfield or offered at Springfield for votes for United States Senator?—A. Well, the talk was kind of common down there at the time; I do not know; I might have; I would not be positive about that. They were talking, joking away frequently, sometimes.

Q. And sometimes serious talk?—A. Perhaps, serious; yes.

Q. Why did White say that his constituency were sore at him?—A. Well, I presume because they were.

Q. Why?—A. Why were they sore at him?

Q. Yes.—A. Because he voted for Lorimer.

Mr. AUSTRIAN. That is all.

Judge HANECY. You heard a great deal of jocular talk all through the regular session, from the beginning to the end, about money that could or would or might be used for different things, didn't you?—A. Yes; I heard of a great many barrels being opened, but I did not see any.

Q. You never heard and never knew anything about that, except that general jocular talk?—A. That is all I knew about it.

Q. That is all.—A. I heard of barrels being opened, but when they were opened, they were apples.

Senator FRAZIER. That talk with respect to money increased about that time, or immediately preceding the election of Senator Lorimer?—A. No; I don't believe it did.

By Mr. AUSTRIAN:

Q. Prior to a week—Senator Lorimer was elected on the 26th of May, 1909—you recall that?—A. Yes, sir.

Q. Your vote was not a purchaseable commodity, was it?—A. No, sir.

Q. That was well known that you were a man of very good reputation at Springfield?—A. I hope so.

Q. You know you were?—A. A man does not really know his own reputation.

Q. Within a week prior to the election of William Lorimer, within a week prior to the 26th of May, didn't you hear, and even closer to the 26th of May, in point of time, didn't you hear very serious discussion, with reference to the payment of money for votes for United States Senator?—A. Well, I can not say that I did previous to the election of Lorimer.

Q. When did you, afterwards?—A. I heard it talked afterwards.

Q. How soon afterwards?—A. Well, possibly right after, maybe a day or so afterwards.

Q. In Springfield?—A. Yes; in Springfield.

Q. During the session of the House?—A. Yes.

Senator FRAZIER. Who did you hear that talk from?—A. I do not know anybody in particular; it was rather made a joke—talked in a jocular way.

Q. Do you recall any particular person——A. No; I do not.

Q. (Continuing.) That you discussed it with?—A. They got together and talked about somebody opening a barrel or getting some money, and things of that sort. The fact is, the regular session and extra session were both a joke from start to finish.

Senator HEYBURN. I would like to ask a question.

Q. Were you present at a converastion between Jacob Groves and Mr. Terrill?—A. I think not.

Q. What?—A. I think not. I did not know Mr. Terrill but very slightly; I do not hardly think I was.

Q. With reference to the question of money being paid to vote for Lorimer?—A. I do not remember if I was; I do not recall.

Q. You do not mean to deny that you were not?—A. No; I would not say positively that the matter had not been mentioned.

Senator HEYBURN. That is all.

Judge HANECY. The talk that you heard after the election of United States Senator on the 26th of May, 1909, about barrels being opened, and money, and so forth, was by the adherents of the men who had been candidates and who were defeated, wasn't it?—A. Well, I do not know that I would want to make that assertion, because I do not remember who those parties were. If I did, I would be glad to tell the committee. I would not like to limit it that way, because I do not know.

Q. There was considerable soreness on the part of the defeated candidates, and some of their adherents, that they did not succeed?—A. Yes; I think there was.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Do either side need this witness further?

Judge HANECY. I do not not need him.

Mr. AUSTRIAN. I do not need him.

Senator BURROWS. You can be excused.

Mr. AUSTRIAN. I would like to recall Mr. Groves for a moment.

Senator BURROWS. Is Mr. Groves in the room?

Senator GAMBLE. We would like Mr. Terrill recalled.

Judge HANECY. I think he was discharged, but possibly the marshal can get in touch with him.

Senator BURROWS. Do you want Mr. Terrill recalled?

Senator HEYBURN. At a proper time.

Mr. AUSTRIAN. I think he was told he could go.

Senator GAMBLE. Yes.

Mr. AUSTRIAN. Send for Mr. Terrill. I believe the chairman said he might go. Isn't that your recollection?

Senator BURROWS. After inquiry that he would not be needed further, the chair said that he might be discharged. Mr. Austrian: Mr. Zentner, and Mr. Sterner are on rebuttal.

Mr. AUSTRIAN. Oh, no; these are Judge Hanecy's witnesses.

Senator BURROWS. Which one of them is on rebuttal?

Mr. AUSTRIAN. I do not believe we have any witnesses here.

Senator HEYBURN. Mr. Chairman, he can not have gone very far, and this witness's testimony makes it necessary that we have an answer from Mr. Terrill in regard to a question. I will state the reason it is proper. At page 1100——

Judge HANECY. I am afraid, Mr. Chairman——

Senator HEYBURN. Just a moment. I am speaking as a member of the committee, and not under any rule of restriction.

Judge HANECY. The only thing is somebody might see him before he got away.

Senator HEYBURN. I do not presume that men are dishonest. At page 1100 Mr. Groves testified unqualifiedly that Mr. Terrill told him that he got $1,000 for voting for Lorimer, and this witness that was just on the stand declines to say that he was present.

Mr. AUSTRIAN. That was corrected yesterday.

Senator HEYBURN. That is the testimony in the record, and unless the witness corrects it——

Mr. AUSTRIAN. The witness did correct it yesterday.

Senator HEYBURN. I will read his correction; it is not much of a correction. I do not desire to detain the committee. This can be taken up any time, only we do not desire the witness to get away.

Senator BURROWS. Is Mr. Donaghue here now?

Senator JOHNSTON. Page 1217, Senator.

Senator BURROWS. Mr. Austrian, do you want Mr. Groves?

JACOB GROVES, recalled as a witness herein, was examined by Mr. Austrian, and testified as follows:

Q. Mr. Groves, you started to tell the committee yesterday, I believe it was yesterday, or day before yesterday, of some conversation that you had with Mr. Shaw.—A. Yes, sir.

Q. Relating to this subject-matter.—A. Yes, sir.

Q. Will you just state to the committee what that conversation was and when it was and where it was?—A. That was on the—the conversation I had with Mr. Shaw was on the floor of the house, I think it was, probably the day that Mr. Lorimer was elected, or the day following, I am not sure. Mr. Shaw said that there was $1,000 in it, as he understood, for the man that would vote for Mr. Lorimer.

Senator BURROWS. What was the last statement?—A. For the members that would vote for Mr. Lorimer, he understood they got $1,000.

Mr. AUSTRIAN. Was that the entire conversation you had with Mr. Shaw on that subject?—A. On that subject, yes.

Mr. AUSTRIAN. That is all.

Cross-examination by Mr. HANECY:

Q. Did you say that Mr. Shaw said that to you?—A. Yes, sir.

Q. Well, you did not tell that yesterday, did you?

Mr. AUSTRIAN. He was stopped.

The WITNESS. I was stopped from telling it yesterday.

Judge HANECY. Do you know what day that was?—A. Not positively; no, sir.

Q. You do not know whether it was before or after the election?—A. It was after the election.

Judge HANECY. May I ask, Mr. Chairman, that Mr. Shaw be held and not let go?

Senator BURROWS. Mr. Shaw will remain; notify him that he is to remain.

Judge HANECY. Did you talk this matter over with Mr. John Callon O'Laughlin before you testified?

(Witness hesitates.)

Mr. AUSTRIAN. That is this man here [indicating].—A. Yes, sir yes, sir; I talked with him.

Judge HANECY. Why did you hesitate—what did you hesitate about when you started to answer before, in answering?

The WITNESS. I do not know the gentleman's name. I did not know whether this was the gentleman here; I did not think of the name.

Q. Don't you know his name?—A. Well, no, sir; I never met the gentleman until here a few moments ago, and Monday morning.

Q. But you met him every day since that, several times a day haven't you?—A. No; I just seen him in passing here. I have not talked to the gentleman. I spoke to him this morning about getting away.

Q. You did talk with him this morning?—A. Yes, sir; I wanted to get away; I was anxious to go home.

Q. What do you mean, you wanted to get away from him or from the town?—A. I wanted to get away.

Q. Oh!—A. I wanted to be excused.

Q. And did you think that he could excuse you?—A. Well, I did not know whether he could or not; I thought, maybe, he could intercede and help me to get away.

Q. Did you think Mr. O'Laughlin represented this honorable committee?—A. No; I did not, I guess. I thought, probably, he could intercede and help me to get excused.

Q. You thought he had sufficient——

Mr. AUSTRIAN. Oh, I object now.

Senator BURROWS. That is hardly worth while, to follow that up.

By Judge HANECY:

Q. You talked with him this morning, didn't you?—A. I just told you I did; yes, sir.

Q. And you talked with him at length this morning, didn't you?—A. No, sir; a very few minutes. He was in a hurry and said he would see me later. I have not seen him since.

Q. You talked this entire matter over, all you testified before, when you were on the stand, and this time with Mr. O'Laughlin, before you testified here in chief yesterday?—A. I talked with Mr. O'Laughlin in regard to this matter.

Q. I say, on Monday morning, you did talk over this entire matter everything you have testified to here, didn't you?—A. Yes, sir.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Now, can the witness be excused?

Mr. AUSTRIAN. I am through with him.

Senator HEYBURN. Well, I have been going over this testimony here, if I may be permitted to state the matter.

Senator BURROWS. Yes.

Senator HEYBURN. Reexamination, he came back, this witness yesterday testified with reference to Mr. Terrill, and what Mr. Terrill had said to him. I desire that there should be no question about that before he is excused. I will see whether or not the testimony now, after being corrected, states it corectly. In speaking of Mr. Terrell yesterday, you were asked whether or not he stated to you that he could receive money for voting for Mr. Lorimer. The record now, after you have corrected it, shows that you answered that he stated that he could have earned $1,000. Now, that stands as your answer, does it?—A. Yes, sir.

Q. You were then asked to repeat it, and you said: Yes, if he would vote for Lorimer. That was Mr. Terrill, who was just on the stand here recently?—A. Yes, sir.

Q. And you do not desire now to correct that any further?—A. I do not desire to correct it; no, sir; I do not desire to correct it in any way.

Q. Now, was Mr. Shaw present at that conversation?—A. No, sir.

Q. Was there any such conversation had between you and anybody else when Mr. Shaw was present?—A. No; I think not.

Senator HEYBURN. That is all.

By Judge HANECY:

Q. This question was asked you when you took the stand here yesterday, when you were recalled, Mr. Austrian asking the question: "Mr. Groves, yesterday, when you were on the stand, this question was put to you: 'State what, if any, conversation you had with Mr. Terrill.'" That is the end of the quotation. The official record shows that you replied, quoting: "Mr. Terrell told me he got $1,000 for voting for Lorimer. That is a mistake; he didn't tell me any such thing." You answered that, didn't you?—A. Yes, sir.

Q. And that is true?—A. That is true; yes, sir; he didn't tell me that.

Q. He said, "There was $1,000 in sight, or something like that, if I would vote for Lorimer." That is what you said yesterday when you were recalled, isn't it?—A. There was $1,000 in sight; yes, sir; I said.

Q. "Or something like that." I will read your answer again: "That is a mistake; he did not tell me any such thing. He said he got—there was $1,000 in sight, or something like that, if I would vote for Lorimer." That is what you said yesterday on the stand here when you were recalled, isn't it?—A. Well, if that is there, probably I did.

Q. Well, you do not desire to change that in any respect, do you?—A. I desire my evidence to state that Mr.—this way: That Mr. Terrill told me that he could receive $1,000 for his vote for Mr. Lorimer. That he could have received $1,000 for his vote for Mr. Lorimer.

Q. Why did you say yesterday that you said "there was $1,000 in sight, or something like that, if he would vote for Lorimer?" Why did you put it that way yesterday, and the way you have put it here this morning?—A. Well, I don't know. I was aiming to leave the impression all the time that Mr. Terrill had said that he could get the $1,000. They were just the words that I used. I do not know why it was placed that way; I did not aim to place it that way.

Q. You knew that Mr. Terrill was a very strong adherent of former Senator Hopkins, didn't you?—A. No, sir; I did not.

Q. You knew that he had been voting for him?—A. He had been voting most of the time for Lieutenant-Governor Sherman.

Q. Most of the time?—A. Yes, sir.

Q. Don't you know that he voted 18 times in succession for Albert J. Hopkins?—A. No, I did not know that; I knew that he voted often for Mr. Sherman.

Q. You knew, on the last ballot, and the one preceding that, he voted for Albert J. Hopkins?—A. I did not know that, the one preceeding; I did not know that.

Q. Didn't you know all the time while he was voting for Lawrence B. Sherman that he was a strong adherent of Albert J. Hopkins and that he was only voting for Sherman for the purpose of inducing somebody else to break up on their votes for the men they were voting for, so that he could in that way get them to vote for Hopkins?—A. I didn't know that at all.

Q. You did not know that at all?—A. I thought he was a friend of Mr. Sherman and liked to see him elected. That was my opinion.

Q. You did not think he was a friend of Mr. Hopkins?—A. I thought by his actions that he was a friend of Mr. Sherman's.

Judge HANECY. That is all.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Now, will this witness be needed further?

Judge HANECY. I do not think so.

Mr. AUSTRIAN. Just one moment. Has Mr. Donaghue been subpoenaed, Mr. Chairman?

Senator BURROWS. Mr. Donaghue?

Senator GAMBLE. He has answered by telegram, as I understand it that he will be here this afternoon.

Mr. AUSTRIAN. If that is the case, I would either like to have this witness to state what the conversation with Donaghue was, or otherwise remain until Mr. Donaghue testifies.

Senator BURROWS. You may remain for the present. You can be excused now.

Senator GAMBLE. I think the memoranda here is that Daniel J. Donaghue is to be on hand to-day, this afternoon.

Mr. AUSTRIAN. Mr. Groves, we will be able to put him back on right after Mr. Donaghue testifies.

Senator BURROWS. Call Mr. Broderick.

JOHN BRODERICK, recalled as a witness herein, testified as follows:

Senator BURROWS. You have been sworn, I believe, Mr. Broderick?—A. I have.

Senator BURROWS. Mr. Austrian.

Mr. AUSTRIAN. What is your full name, Mr. Broderick?

Mr. DAWSON. Mr. Chairman, I would like to be permitted to make a statement, if the committee will permit me.

Senator BURROWS. You are the attorney of the witness?

Mr. DAWSON. Yes, sir; I submitted to the committee on behalf of Mr. Broderick the other day, and stated the position we advised him to take. By "we" I mean myself and the associate counsel, who have charge of his case which is pending in Sangamon County on a charge of bribery, growing out of the alleged offers of money, receiving of same, and giving of same, by Senator Broderick to one O. W. Holstlaw, a senator in the forty-sixth general assembly, and your honorable body, day before yesterday, took the proposition, as I understood it, under advisement, and it was expected that there would be a decision yesterday, and I was informed that there would probably be one to-day. I would like to ask the chairman of this committee if they have passed upon the proposition that I made at that time, which affects my client. Are they ready to give me any answer at this time with respect to it?

Senator BURROWS. That was the proposition for an agreement between counsel that this witness could be examined upon some questions and not examined on others, or cross-examined.

Mr. DAWSON. In substance that is it, Mr. Chairman, but specifically it was this: That this witness was ready now to answer all questions relative to the charges made by Holstlaw or the charges that might be made by anybody else as to whether Senator Broderick had made a promise to give money or any valuable thing to Senator Holstlaw or any other member of the legislature of the forty-sixth general assembly of Illinois up to the time, as alleged by Senator Holstaw, on or about the 16th day of June, when, as he alleges, Broderick gave him $2,500, or in relation to the alleged charge of Senator Holstlaw that he received from Broderick $700 at a later date as his share of a "jackpot" so called. At that time, also, I made this proposition to your honorable body, that Broderick would answer in detail any questions up to the times I have mentioned, and would answer in detail after the trial of his case in Springfield, answer any and all questions put to him by your body or anybody concerned relative to the details; and I stated as my position at that time that I took that position in the performance of my sworn duty as an attorney at law of this State, and after consultation and advising with Mr. Broderick and the other attorneys associated with me, who do not live here but live in Sangamon County, in Springfield, I took that position, Mr. Chairman, realizing the importance of the nature of this inquiry, held as it is by your subcommittee, which is a part of the United States Senate, the highest body in this land, and realizing the necessity of you gentlemen prosecuting a thorough inquiry in order that you may make a proper report to your full committee, and later to the body of the Senate, with no desire on the part of Mr. Broderick that his answers should in any way handicap you or in any way stop the thorough prosecution into the details of this matter, no desire by our action, as his attorneys, or his action pursuant to our advice, to reflect in any way by so doing upon the gentleman who received the election to your body on the 26th day of May, 1909.

Now, gentlemen, I just simply want to state this, in conclusion: That before I would instruct Mr. Broderick to say anything here to-day under the conditions as they exist, before I would advise him to take advantage of any rights that he may have as a man who has

been charged with the commission of a felony, I would like at this time—I would like to know at this time what you gentlemen have to say upon the proposition submitted, for some ruling from your body relative thereto. I do not want to at this time, Mr. Chairman—I do not want at this time, Mr. Chairman and members of the committee, to take any position or instruct Mr. Broderick to do anything until I know what your finding is relative to these points.

Senator BURROWS. I think, Mr. Dawson, you will readily understand as a lawyer it would be impractical, if not improper, for the committee to enter into any agreement as to a limitation of the examination of this witness. He must, if he comes before the committee, come as any other witness and be subject to direct and cross examination, and it will be time enough if he desires to avail himself as to whether he wishes to answer, it will be time enough to do that when the question is reached; therefore no agreement can be made, nor understanding.

Mr. Austrian, have you anything further?

Mr. AUSTRIAN. Yes; I have not started.

Mr. DAWSON. Mr. Chairman, could I ask a question? Is that the only statement that the committee wishes to express on the other phase of the proposition that I submitted? You have said, if I understand you correctly, that any rights that the witness desires to avail himself of be taken up in connection with the propounding of questions. Now, I also made the proposition that he would answer questions to a certain point and be willing to answer the balance of them after the trial of his case in Springfield.

Senator BURROWS. The committee are unanimously of the opinion that they can enter into no agreement of that kind.

Mr. DAWSON. Yes; then I would make this request, Mr. Chairman, of your committee, in view of the fact that this matter has been under consideration by the committee for a few days, or parts thereof, and I, as his counsel, did not know or could not anticipate what action the committee would take. I in connection with the other attorneys of Mr. Broderick agreed upon a course of action with respect to him and I submitted it here. Now, I would ask of this committee, in view of the rulings that have been made, in order that I may intelligently and properly advise Mr. Broderick what to do relative to this hearing, I be given an opportunity to consult and advise with him and also the other gentlemen who are interested in his defense, upon whom he has to rely in the trial for his personal liberty, and I would ask a reasonable time for that purpose of your body.

Senator BURROWS. How much time do you think would be necessary for consultation with your associates?

Mr. DAWSON. All those gentlemen are in Springfield, that is 185 miles away, and they are practicing lawyers and have, of course, the duties to perform that active lawyers have. I would promise to do this: Get into consultation with them immediately and advise with them and also advise with my client. A reasonable time, I suppose, ought to take from twenty-four to forty-eight hours, anyway. I want to act intelligently in this matter. My first care and certain duty is to conserve the interests of my client, and I do not want to do anything in this matter without consulting with the other gentlemen in the case.

Senator GAMBLE. How soon could you reach the other attorneys n the case, and how soon might it be possible for them to reach Chicago?

Mr. DAWSON. Well, that, of course, I am at a loss to understand. They are all men, prominent attorneys in Springfield. Many of the courts are in session; they hold courts in different counties in the circuit down there, and it may be possible one or the other might be away from Springfield in attendance on court somewhere in the circuit. Now, I do not want to promise; I could not do that. I will get in touch with them at once, as quickly as I can get down there, f necessary, if they can not leave their business there.

Senator FRAZIER. Have you been in touch with them during the pendency of this matter? Haven't you had any communication with hose gentlemen?

Mr. DAWSON. Not since the matter was submitted to your honorable body the other day. I was awaiting your decision. I did not know there was any necessity for it. I could not anticipate what you would do, of course.

Senator BURROWS. Well, can't you communicate with your associates by phone at once?

Mr. DAWSON. Well, Mr. Chairman, you realize in a matter of this kind, where we would have to be in consultation with the client himself, and advise with him. We have to receive his instructions, of course, finally; he may accept our advice or reject it, as he sees fit. I think I would want to have him in a position where we could all talk it over together.

Senator BURROWS. Your client, of course, you can consult with him at once.

Mr. DAWSON. Yes, Mr. Chairman, but I suppose the other attorneys would want to have him there with them at the same time. I don't know as to that. I don't know how much dependence he would place upon me alone; whatever he commissions me to do, of course I will do.

Senator BURROWS. How many attorneys are associated with you n the defense?

Mr. DAWSON. There are three at least, and possibly four.

Senator BURROWS. Where do they reside?

Mr. DAWSON. In Springfield.

Senator BURROWS. All of them do; all of them in Springfield? How long does it take a person to travel from Springfield here?

Mr. DAWSON. Five hours is the run; about 185 miles.

Senator BURROWS. Then, there would be no diffiulty in having your associates here to-morrow morning?

Mr. DAWSON. There might be.

Senator GAMBLE. Would you not be able to reach them to-day, nd they be able, at least some of them, to reach here to-night, so hat a conference might be had to-night, if necessary, and then by o-morrow morning the matter could be taken up?

Mr. DAWSON. Senator, that might or might not be possible. As I ay, there are a number of counties in the circuit in which courts are eing held. They do not practice alone in Springfield, which is the ounty seat of Sangamon County, but there are other counties in the istrict.

Senator GAMBLE. I wouldn't want to bind you, but it would occur to me that we could hardly wait for the cooperation or consultation with all of the attorneys. Some of them might be out on the circuit.

Mr. DAWSON. Probably the most expeditious way would be to go down there and bring them in there instead of relying on them to come here. They might be held there by some important cases pending there in court and would not want to leave from there at that time, but I could consult with them at night there after court was over. It would be more practical, I think, to do it there than to bring them here.

Senator BURROWS. That you could go down there?

Mr. DAWSON. Yes.

Mr. BURROWS. You could go down there yourself and consult with your associates?

Mr. DAWSON. Yes; I could do that.

Senator BURROWS. You could do that this afternoon?

Mr. AUSTRIAN. 3 o'clock, and get there at 8 o'clock, leaving there at midnight and getting back to-morrow morning.

Mr. DAWSON. What train at 3 o'clock? What road?

Mr. AUSTRIAN. I think the Alton.

Mr. DAWSON. 6.30 on the Alton, and gets there at 11.16. I know that road pretty well. I used to go down there pretty often.

Senator BURROWS. Mr. Dawson, the committee, under the circumstances, will give you until to-morrow morning at 10 o'clock for this consultation, and then the committee desires to proceed in the case.

Mr. DAWSON. Mr. Chairman, I just want to draw your attention to one fact; if I should leave here at the earliest possible moment, which I think would be 6.30, that brings me there at 11.16 at night, which would necessitate me getting these gentlemen out of their beds or getting to towns that they might be in——

Senator PAYNTER. Senator, couldn't you get—four lawyers down there—couldn't you get one of them to come here and notify them over the telephone of any question you desire to discuss and let him consult with his associates down there and let him come down here and consult with you?

Mr. DAWSON. I will attempt to get in touch with them all to-night and get back here by to-morrow morning. Well, I couldn't hardly do that.

Senator FRAZIER. By you going down there, Mr. Dawson, you will have to make the return trip; if you telephone and let the gentlemen come up here, you will have all night and until to-morrow morning at 10 o'clock to consult.

Mr. DAWSON. They might not be at Springfield; they may have their cases——

Senator FRAZIER. We can not wait on their cases.

Mr. DAWSON. There is no desire to delay any matter here at all. I want to perform my duty—that is all—conscientiously.

Senator FRAZIER. I am sure of it.

Senator PAYNTER. You want your associates to share in the responsibility?

Mr. DAWSON. I do; it is only professional courtesy and right that I do so.

Senator FRAZIER. If you do not get all of them, one or two possibly would be sufficient?

Mr. Dawson. If I go down there to-night I would have until—if I could get until 2 o'clock to-morrow I could get this so we would know exactly where we were at. I would like to have at least until 2 o'clock to-morrow.

Senator Paynter. Are there any witnesses we could hear in the meantime?

Judge Hanecy. Mr. Browne is here.

Senator Burrows. Let us finish this first.

Mr. Dawson. You have your consultation with regard to Mr. Browne too.

Mr. Austrian. Mr. Browne is represented by other counsel.

Mr. Dawson. I am representing Mr. Browne, also.

Senator Gamble. Let us dispose of this first and then take up the other.

Senator Paynter. I think it would be well for the representatives, if he represents Mr. Browne, he should understand now he better be consulting about the Browne case too.

Mr. Dawson. I have been.

Senator Burrows. Do you represent Mr. Browne?

Mr. Dawson. Yes; I am one of the counsel representing Mr. Browne.

Senator Burrows. Is counsel associated with you in this case associated in the Browne case?

Mr. Dawson. Not the same all of them, but some of them are, and it was not definitely settled, and I do not believe he has yet, who will eventually represent him on the trial if it is held. But there are a number of the gentlemen that are representing Mr. Broderick who will also represent Mr. Browne. Now, I want to say frankly to you gentlemen, if you permit me to make a statement with regard to Mr. Browne——

Senator Burrows. Not now. Now, can you by telegraph or by phone find out where the associate counsel are now?

Mr. Dawson. I probably can by phone and probably can arrange to-night sometime for a conference with them. I think I can arrange those details.

Senator Frazier. You better have them come here instead of having you and the witness go down there.

Mr. Dawson. There might be reasons why it might not be possible to do that but I will do the very best I can to get in consultation with them and I will get back here and report at the time you gentlemen allow me to report. I would like to have it made at least until 2 o'clock to-morrow. I have to travel a distance of 185 miles or probably twice that.

Senator Burrows. Mr. Dawson, the committee are anxious to make every effort because the committee must go on with this case to-morrow morning at 10 o'clock.

Mr. Dawson. I understand that.

Senator Burrows. It can not consume so much time here, but of course the committee desires to extend you every courtesy possible.

Mr. Dawson. They have done so.

Senator Burrows. But you must make Herculean efforts to get associate counsel here or consult with them so as to arrive at a conclusion.

Mr. Dawson. I promise to do that.

Senator Burrows. Very well.

Mr. DAWSON. Is that the order, at 10, or will I be permitted to have until 2?

Senator BURROWS. Oh, no; we have got to go on at 10 o'clock. The gentlemen can get out of bed one night on a case of this kind.

Mr. DAWSON. All right, Mr. Chairman, if I have to get a flying machine I will try to do what you have ordered me to do.

Senator BURROWS. We have had them running between here and Springfield recently. As to the witness, you are excused until to-morrow morning at 10 o'clock.

The WITNESS. Thanks.

Senator BURROWS. Is Mr. Browne here? Call Mr. Browne.

Mr. NIXON. He is coming, Senator.

Senator BURROWS. Mr. Browne, will you raise your right hand?

Lee O'Neill Browne, a witness called herein, being first duly sworn by Senator Burrows, testified as follows:

Mr. DAWSON. Now, Mr. Chairman, I would like to make a statement as to Mr. Browne's position.

Senator BURROWS. You may proceed.

Mr. DAWSON. Representing him, as one of his counsel, I would ask of this committee, in view of the decision that you have rendered in the matter of John Broderick, I would like to have the same opportunity to confer with the attorneys who are associated with me in the defense of Lee O'Neill Browne on the charge which is pending now at Springfield, to have an opportunity of consulting with those attorneys down there relative to the position that Mr. Browne will take in this inquiry, and I would ask at least the same time that was allowed me with reference to Mr. Broderick.

Senator BURROWS. That will be granted; to-morrow morning at 10 o'clock; and, Mr. Browne, you are excused until to-morrow morning at 10 o'clock. Is Mr. Wilson here—Robert E. Wilson?

Mr. AUSTRIAN. I understand Mr. Wilson has not been served.

Senator BURROWS. We have just sent for the sergeant-at-arms. Mr. Bumphrey, will you call the attorney, Mr. Dawson. Mr. Dawson, do you know Robert J. Wilson?

Mr. DAWSON. Robert J.? Yes; I know a Robert J. Wilson.

Judge HANECY. You mean Robert E. Wilson?

Senator BURROWS. Do you know Robert E. Wilson?

Mr. DAWSON. Robert E.; yes.

Senator GAMBLE. Robert E. Wilson, I think, is correct, and he is a member of the present legislature.

Mr. DAWSON. Robert E.

Senator BURROWS. Is he a member of the present legislature?

Mr. DAWSON. He was a member of the last legislature.

Judge HANECY. And he is yet.

Mr. DAWSON. Yes; he is yet.

Senator BURROWS. Do you represent him?

Mr. DAWSON. I am not representing him at present; I may later.

Senator BURROWS. Do you know where he is?

Mr. DAWSON. I do not.

Senator BURROWS. That is all.

Senator GAMBLE. Do you expect to represent him?

Mr. DAWSON. The probabilities are I may represent him in Springfield in a case pending down there.

Senator GAMBLE. And do you expect to make the same request on is behalf before this committee as you have made on behalf of the ther witnesses?

Mr. DAWSON. I do not expect to at the present time, because I do ot represent him in any matter just now, except the matter that is ending in Springfield.

Senator GAMBLE. Do you know who represents him?

Mr. DAWSON. I can not say as to that. I do not know who he has etained. I do not know who the attorneys of record are in the case iat is pending here.

Judge HANECY. Is there an indictment against him in Springfield,)o?

Mr. DAWSON. There is an indictment against him in Springfield.

Senator FRAZIER. Also one here?

Mr. DAWSON. Also one here in Cook County.

Mr. AUSTRIAN. I think Mr. Dawson said he represented him in pringfield.

Mr. DAWSON. I was there when he gave bail, that is all; but I ave made no arrangements to represent him as yet, but I may rep-esent him in Springfield later.

Senator HEYBURN. I would suggest, myself, that you be in a posi-ion where it will not be necessary to ask a delay on his behalf. Whatever conferences you desire to have with him, if you are going o represent him, have them between now and the time he is here.

Mr. DAWSON. No arrangements have been made with me to repre-ent him here.

Senator BURROWS. Have you any witness, Judge, that you could resent?

Mr. DAWSON. Is that all, gentlemen?

Senator BURROWS. That is all. We are obliged to you, Mr. Daw-on.

Judge HANECY. I have not any except those I have just indicated.

Senator BURROWS. What were those names?

Judge HANECY. They were Woods, Stermer, and Zentner. Now, may have one or two more.

Senator BURROWS. Are they all in rebuttal, Judge?

Judge HANECY. Yes; Mr. Chairman.

Mr. AUSTRIAN. They are part of your case; you do not mean re-uttal. They are rebuttal of our case.

Judge HANECY. I know what the Senator means and so do you.

Mr. AUSTRIAN. The defense.

Judge HANECY. Yes; the defense.

Senator BURROWS. Is Mr. Zentner here?

Judge HANECY. I do not think they are. I told them I would not eed them until they got through. They were here yesterday and robably the day before, but I understood this honorable committee o say I would not be required to call them until they got through.

Senator HEYBURN. This being an investigation, I think we should ave all of the witnesses on both sides here. There is no question of efense and plaintiff.

Senator GAMBLE. Yes; have all witnesses here and have them in egular attendance, so that at any time they can be called.

Senator HEYBURN. There is no question of defense or plaintiff.

Mr. AUSTRIAN. Those witnesses are all in Chicago; Stermer and Zentner all reside here. They were here yesterday. They all reside in Chicago, don't they, Judge?

Senator GAMBLE. Mr. Donahue has not yet put in an appearance?

Mr. AUSTRIAN. I understand not.

Senator GAMBLE. The notation is that he was to be here this afternoon.

Mr. AUSTRIAN. He is the one that Mr. Groves referred to and that was sent for yesterday. We do not intend, even if he is called—we do not intend to ask him anything except with reference to the conversation outlined by Mr. Groves.

Senator GAMBLE. So it will be very short?

Mr. AUSTRIAN. Yes; we never saw him and do not know who he is.

Senator BURROWS. If counsel will make an effort to get those witnesses—excepting the other matters that go on to-morrow—this afternoon, so we can make as much progress as possible, we would like to have you do so, and the committee will adjourn until 2 o'clock.

(Thereupon the committee adjourned until 2 o'clock this afternoon.)

AFTERNOON SESSION.

WEDNESDAY, *October 5, 1910.*

At 2 o'clock p. m. the committee met pursuant to adjournment whereupon the following proceedings were had:

Senator BURROWS. The committee will be in order.

Mr. AUSTRIAN. I understand Mr. Donohue has responded to the subpœna—I was so informed.

Senator BURROWS. The committee understands Mr. Donohue is here. Will you call Mr. Donohue?

Daniel D. Donohue, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Mr Austrian and testified as follows:

Q. Mr. Donohue, what is your name, please, sir?—A. Daniel D Donohue.

Q. What is your business?—A. Lawyer, principally.

Q. Where do you reside?—A. Bloomington, Ill.

Q. Were you a member of the forty-sixth general assembly?—A. I was.

Q. Republican or Democrat?—A. Democrat.

Q. Senate or house—a member of the house?—A. Member of the house.

Q. Do you recall the election of William Lorimer to the United States Senate?—A. I do.

Q. That took place on the 26th of May, 1909?—A. That is my recollection; yes.

Q. Did you vote for Mr. Lorimer?—A. I did not.

Q. Mr. Donohue, were you approached for the purpose of having you vote for Mr. Lorimer?—A. I was asked to vote for Mr. Lorimer yes.

Senator BURROWS. A little louder, Mr. Donohue.—A. I say I was asked to vote for Mr. Lorimer; yes.

Mr. AUSTRIAN. Was anything said with reference to any promise r reward or inducement of any kind if you did vote for Mr. Lorier?—A. Nothing was ever said along that line.

Judge HANECY. I didn't get that.

Mr. AUSTRIAN. Nothing was ever said along that line.

Judge HANECY. I didn't catch the first word.

Mr. AUSTRIAN. Did you ever have a conversation with Jacob J. roves?—A. I recollect having a conversation with him; yes.

Q. With reference to this subject?—A. Yes, sir.

Q. Will you tell the committee what conversation you had with im?—A. Well, Mr. Groves did most of the talking, I think. He omplained to me about some member, he said, that came to his room ome night—I do not recollect exactly what night, some night before he election of Lorimer—and asked him to vote for Lorimer. Before hat, I think it took place that we got into a conversation about members voting for Lorimer, and I said—I recollect I said that I guess hey tried to get all the Democrats to vote for Lorimer. I told him hey tried to get me vote for him, and then, in a speech delivered in he house there, he said something about somebody knocking at the oor, and we got into a conversation about the knocking at the door, nd he said some member of the house came to his room there ne night and asked him to vote for Lorimer. I think he said somehing about some consideration or something; I do not recollect the xact words of Mr. Groves; I do not know; he said something about aving it published in the paper or something, or something along his line, and he asked my advice about it, and I told him, I think, nat probably he should have told what he knew when he made the peech in the house, or that he should have told all he knew at that ime if he told any of it. I think I asked him did he have any witesses to it, and he said "No." That is my recollection. I can not ive the exact words.

Q. That is your recollection of the conversation?—A. That is my ecollection of the conversation; yes, sir.

Q. Have you detailed your part in the conversation also, to the best f your recollection?—A. There was so much happened, I can not ecollect; I can not recollect what happened, exactly. I talked to a ood many members. I was working against the election of Lorimer, nd trying to keep them in line for Stringer for United States Sentor, and I told, in all probability, if anyone was elected that the next egislature will be Democratic, on account of the scandal in the State, nd change in the political views, along the way of national adminisration, along those lines.

Q. Who approached you with reference to voting for Mr. Lorier?—A. Mr. Riley, the day of the election of Mr. Lorimer.

Q. Anyone prior to that time?—A. That is, a number of fellows sked what about getting all the Democrats in line to vote for Lorier; we talked about the party proposition.

Q. Yes.—A. I said it was bad politics; that he would go to Washgton and be a Republican and vote on Republican measures, and he Democrats would be responsible for his acts down there, and I dvised against it. In fact, I used pretty strong language against a roposition of that character.

Q. You were very outspoken in your position?—A. Oh, yes; I pposed the election of any Republican.

Q. That was well known down there?—A. Yes; it was well known In fact, I delivered my vote for one Republican and would never vote for another as long as I was a Democrat. That was for the election of the speaker, I think. I was very pronounced in my views against the election of a Republican.

Mr. AUSTRIAN. That is all.

Cross-examination by Judge HANECY:

Q. You never did vote for William Lorimer for United States Senator?—A. No, sir; I did not.

Q. And you were not for him in any sense of the word?—A. Oh no; I was against Lorimer, or any other Republican for that matter.

Q. You were against William Lorimer not because of his personality, but because of his politics?—A. Principally, yes. I thought he would be just as good as any other Republican; that was my notion about it.

Q. And if you voted for any Republican, you would as soon vote for William Lorimer as anybody else?—A. I think so, yes; I didn't see any difference.

Q. But you did everything that you could honorably do to prevent the election of William Lorimer for United States Senator, or any other Republican?—A. I did everything I could; yes.

Q. Nobody ever offered you any money or other thing of value if you would vote for William Lorimer for United States Senator?—A. They did not; no.

Q. And nobody ever intimated to you that you would get or could get money or other thing of value if you did vote for William Lorimer for United States Senator, did they?—A. They did not; no, sir.

Q. And you never heard anybody else offer any other member of the house, or the senate—the joint assembly, I mean—any money or other thing of value if he or they would vote for William Lorimer for United States Senator?—A. No; I never heard anybody offer any money.

Q. And you never heard that anybody had ever offered or paid, or offered to pay, anything to any member of the joint assembly because they did vote for William Lorimer or had voted for him, did you?—A. No particular member, only general talk along those lines.

Q. And that general talk along those lines came from the friends of the defeated candidates?—A. Well, I don't know who it did come from; it was general talk along those lines. Of course, there is a lot of talk like that at any time, whether there is any truth in it or not I don't know, but there was a general talk along those lines.

Q. Those who had been voting for Albert J. Hopkins, the Republican candidate, were very bitter because he was not elected, after the election of Senator Lorimer, were they not?—A. They were very bitter; yes.

Q. And they said a great many things that you knew were not so, didn't they?—A. Well, I don't know—I could not particularize any of them, although some of them said they would vote for Stringer before they would vote for any other Republican; that is, some of those Hopkins Republicans; that is the man that fell down by the primaries. They said Stringer was the man that ought to be elected if Hopkins was not elected, because his vote was presented to the

people of Illinois and voted for in the primaries, and he ought to be the next choice of the people. I remember of them stating that.

Q. That was quite a pronounced expression on the part of a number of the Hopkins——A. Yes, sir.

Q. Those members of the joint session who voted for Hopkins?—A. One man from my district was very pronounced, Mr. Montelius, and then Mr. Perkins, from Lincoln, spoke along those lines. Of course, Mr. Perkins is a townsman of Mr. Stringer.

Q. You were quite active, Mr. Donohue, during all of that session, and took an active part in all the legislation and other things that properly came before the house or the joint session, weren't you?—A. Why, I took part in things; yes. I don't know how active I was.

Q. You were recognized as one of the active men in the house?—A. I think they considered me that way, probably; I do not know it exactly.

Q. The session continued from the early part of January, the first few days in January, up to the 4th or 5th of June, didn't it?—A. I think probably the 4th of June, if my recollection serves me right.

Q. And it was a fact, wasn't it, Mr. Donohue, that practically every member of the joint session was tired of the continued balloting there and the long session and wanted to elect somebody United States Senator and get away?—A. I would not say that is true; no.

Q. Well, it was true as to a great many, wasn't it?—A. Well, I think that there was a kind of a general feeling that we would adjourn along about the 1st of June before we did adjourn, although that was generally understood down there.

Q. And it was the general feeling and the desire was expressed that some one should be elected as United States Senator before the adjournment?—A. Well, I can not think that was an excuse for some Democrats to vote for Lorimer; I do not think it was. I think I told somebody that I did not think we were going to adjourn, anyway.

Q. And you opposed any doctrine or any theory of that kind—opposed the election of anybody for United States Senator if you could elect a Democrat?—A. Yes; I was elected a Democrat to a political office, and would not represent my people, I thought, if I did not vote for a Democrat who represented Democratic principles.

Q. Do you know Mr. John Callan O'Laughlin, Mr. Donohue?—A. I do not, unless some gentleman back here in the corner pointed him out to me a while ago; I would not recognize him now, unless it is this gentleman in here [indicating]. I think that is the gentleman they pointed out—some gentleman back in here, right here, I guess [indicating].

Q. Well, one is an Irishman and the other is a Jew. Which one would you pick out as the Irishman?—A. I think both look like Jews—a little bit.

Q. The smaller one of the two, I mean physically, is John Callan O'Laughlin. Did he talk with you, Mr. Donohue?—A. I never remember of seeing the gentleman before.

Judge HANECY. That is all.

Mr. AUSTRIAN. You stated in response to a question put to you by counsel, if you had ever heard of anyone—if you had ever heard of anyone who had been paid or offered. Will you tell this committee what you did hear with reference to that subject during that session

and immediately before and immediately after the election of Mr. Lorimer?—A. Well, as I stated to this gentleman, what I am speaking of now took place in Springfield; nothing with reference to it took place in these trials at all. I am speaking of what happened at Springfield.

Q. Yes.—A. The first thing I heard down there, I heard Mr. Hopkins was trying to buy some votes; that is what I heard first.

Q. Yes.—A. That was the general talk, and I could not trace it down, I could not tell now who said it, and then that kind of died away, and then after the election of Mr. Lorimer the thing started again that they were—everything was not straight down there at Springfield with reference to the election of United States Senator. And everybody, I think—I was suspicious myself about the way things went down there. Of course, I didn't have any direct evidence, only from general appearance, I could not see why so many Democrats were going over in a body to vote for a Republican. They may have had reasons, and be more liberal in their views than I am, and might have gone over. I could not see it that way. I am a Democrat, and I am a pretty strong partisan.

Mr. AUSTRIAN. That is all.

Senator BURROWS. That is all.

Judge HANECY. That is all, Mr. Donohue. Mr. Chairman, I do not think there was any desire on the part of the witness, or probably anybody else, to use Senator Hopkins in that connection, and I will be entirely willing that his name shall be eliminated from the record in that connection and that the record shall read only that some other Republican candidate. It is hardly fair to Senator Hopkins or anybody else.

Senator BURROWS. Any objection?

Mr. AUSTRIAN. I have no objection.

Judge HANECY. I have no objection; I think that would be the fair thing to do.

Senator PAYNTER. I would be one to have all the testimony as to rumor eliminated, because rumor will not have the slightest effect with me in determining this question.

Judge HANECY. I think that is right; that is one of the reasons I wanted that eliminated.

Mr. AUSTRIAN. Wait.

Senator JOHNSTON. Did the witness Groves state that Mr. Donohue said anything to him?

Judge HANECY. Yes; he is one of the three.

Mr. AUSTRIAN. No; he did not say he heard. He said he talked about something, and then he was stopped by the chair.

Judge HANECY. Well, the impression that was left on my mind, it seems to me, it could not be different on any of the others here, it was that Mr. Groves said that the three men had stated to him—that it was stated in such a way that the three men had indicated by language or some other way that they heard somebody else had been paid or could have had money. I understood him to say that Mr. Donohue, Mr. Terrill, and Mr. Shaw had said that they could have had a thousand dollars if they had voted for Senator Lorimer. Now, three of them have been on the witness stand and said that nothing of the kind took place.

Mr. AUSTRIAN. That is not his testimony at all.
Judge HANECY. What was it?
Mr. AUSTRIAN. His testimony was that he had——
Senator FRAZIER. The record will show what his testimony is.
Mr. AUSTRIAN. The only direct testimony was with reference to is talk with Terrill, and when he started to give the talk with this entleman, Mr. Shaw, he was stopped by the chair, until they were alled.
Senator GAMBLE. I think the witness Groves simply stated that he alked with this man.
Mr. AUSTRIAN. That is all.
Senator GAMBLE. And he mentioned other names.
Mr. AUSTRIAN. That is all.
Senator GAMBLE. I think possibly I made the inquiry myself, ientioned the men's names without stating the substance of the conersation, but it was in connection with the subject of bribery.
Judge HANECY. Yes; otherwise the three men would not be called ere.
Mr. AUSTRIAN. Here it is, Mr. Chairman, page 1099:
Q. Did you have any conversation with anyone else on the subject? 'hen Senator Burrows asked:

Q. Who was the man?—A. Douglas Patterson.
Q. What other conversation did you have, in reference to the subject-mat-er?—A. With Patterson?
Q. With him or anyone else?—A. Well, there was two or three spoke to me i regard to the matter.
Q. Who?—A. Mr. Tyrrel, of Colchester, Ill., a member of the house.
Q. Who else?—A. Homer Shaw, a member of the house, and Mr. Donohue, ember of the house.
Q. Will you state what they said and what you said?
Senator BURROWS. Just wait a moment——

(Continuing). And then I was stopped. Then the question:

Q. State what, if any, conversation you had with Terrill?—A. Mr. Terrill ld me he got a thousand dollars for voting for Lorimer.
Judge HANECY. I move that be stricken out.

And then you directed that the witness be sent for. He did not ndertake to testify at all what his talk was with Mr. Terrill or Mr. onohue. That is pages 1099 and 1100 of the record. He never unertook to detail the conversation with either one of the two men, xcept Mr. Terrill.
Judge HANECY. No; if you will go to page 1103 of the record. enator Gamble says—

Mr. Groves, were like conversations had with the other two members of the gislature to whom you refer?

Mr. AUSTRIAN. Yes, sir.
Judge HANECY. Yes.
Mr. AUSTRIAN. What was the answer?
Judge HANECY. "A. Not as positive."
Mr. AUSTRIAN. Now, read on.
Judge HANECY (reading). "Q. It was upon the same subject-atter?—A. The same subject; yes."
Mr. AUSTRIAN. Then, "You need not state what the conversation as."

Judge HANECY. That is right. Otherwise these three gentlemen would not be called here if that was not the subject-matter. Then the question by Senator Gamble:

Q. You need not state what the conversation was, as I understand; there were three whose names you have already given?—A. Yes, sir.
Q. Were there others?—A. No, sir; I do not remember of any others.
Q. And this occurred, you stated, possibly in December, 1909?—A. Well, with Terrell, but the other two gentlemen, I think, was during the regular session I am sure it was.
Q. During what time?—A. During the regular session. That was just a short time after Lorimer's election. That is my reason.
Q. With Terrell it was in December?

Senator BURROWS. Is it necessary to pursue that any further?

Judge HANECY. Not any further, Mr. Chairman, unless you desire it. I think that identifies it enough.

Senator BURROWS. It is agreed on all sides that the statement of the witness in relation to Senator Hopkins may be stricken from the record.

Judge HANECY. Well, I do not desire, Mr. Chairman, that the whole matter be stricken, but that his name be eliminated.

Senator BURROWS. That which relates to Senator Hopkins?

Judge HANECY. In connection with that?

Senator BURROWS. Yes.

Judge HANECY. But that the statement was made that there were rumors there about others being——

Mr. AUSTRIAN. That is all in except the name.

Senator BURROWS. Erase the name that pointed to him as the man concerning whom these rumors existed. Have you anything further?

Mr. AUSTRIAN. Yes. I think we will recall Mr. Groves just for a moment.

Senator BURROWS. You desire Mr. Groves?

Mr. AUSTRIAN. Just for a moment.

Senator BURROWS. Is Mr. Groves present?

Jacob Groves, recalled as a witness herein, and testified further as follows:

Mr. AUSTRIAN. Mr. Groves, will you tell the committee, if you please, sir, what, if any, conversation you had with Mr. Donohue?—A. A short time after the conversation that I had with Mr. Shaw I was talking to Mr. Donohue in regard to Mr. Lorimer's election and I told him what Mr. Shaw had told me—that is, he understood there was $1,000——

Judge HANECY. Speak up louder, Mr. Groves.

Senator BURROWS. A little louder; I can not hear you?—A. I told him Mr. Shaw had stated that there were a thousand dollars, he understood there were a thousand dollars given to the man that voted for Mr. Lorimer—Democrats—and Mr. Donohue stated he supposed it would be more than that, especially to a man that can make a speech in favor of Mr. Lorimer.

Mr. AUSTRIAN. Is that your recollection of the conversation?—A. Yes.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Is that all of this testimony?

Judge HANECY. That is all, Mr. Chairman.

Mr. AUSTRIAN. That is all.

The WITNESS. I understand then, I am excused?

Mr. AUSTRIAN. With the consent of the committee; I am through.

Senator BURROWS. Do you want him any more?

Mr. AUSTRIAN. Mr. Donohue would like the answer of Mr. Groves read.

(The foregoing testimony last given by Mr. Groves was thereupon read by the reporter.)

DANIEL D. DONOHUE, called as a witness herein, having been first duly sworn, was examined by Judge Hanecy, and testified as follows:

Judge HANECY. Did you ever have such a conversation with Mr. Groves?—A. I do not remember of any such conversation. I may have had it, because, as I say, I was very much wrought up as to what was happening down there, and might have said that in reply to what Mr. Groves said. I will not say yes or no on that question; I might have said that. If I did say it, it was a remark, a mere inference of what transpired, and had reference, if I did say it, had reference to Lee O'Neil Browne's speech, because I replied to his speech, and we were bitter toward each other, that is all.

Q. If you did say that, or that in substance, or anything like it, Mr. Donohue, was there anything to sustain it except your general anger at the conditions as they existed there?—A. Well, not—I did not state only just on account of the conditions as they existed there; yes.

Q. Were any of these conditions the presence of money that yeu knew of, or offering of money by anybody?—A. No.

Q. Or offer of anything of value by anybody?—A. No.

Q. For a vote for William Lorimer for United States Senator?—A. Nothing that I know of, positively, by way of money or other things of value. It was just said from the general appearance of things, an inference I used from what was done.

Q. And you said you were angry because——A. Well, we were not very friendly, Mr. Browne and I; we did not agree all through the session, do not agree as yet.

Q. You were not one of the Browne faction?—A. No; I was not, sir.

Q. You were one of the Tippet?—A. No; I was not one of the Tippet.

Q. I believe you were unattached there?—A. I was placed in neither one of them.

Senator BURROWS. Is that all?

Judge HANECY. That is all.

Senator GAMBLE. You were acting on your own responsibility?—A. Yes, sir.

Senator FRAZIER. Mr. Donohue, if you say you made that statement which was based on facts, conditions, and circumstances surrounding, did you hear from anybody any statement or anything about anything that money had been paid for votes?—A. No; I never heard a thousand dollars mentioned up to that time, and if Mr. Groves said that I do not remember that he said it.

Q. There was talk of money having been used?—A. There was talk of money having been used generally.

Q. You could not locate it as to anybody that said he got it, you didn't know of anybody?—A. No; I didn't know of anybody that got it.

Q. That was immediately preceding the election and immediately after the election?—A. More after the election——

Q. More after the election?—A. Than preceding the election. I do not believe that I heard, I can not say that I heard it before the election. More after the election.

Judge HANECY. And did it refer to the talk of money having been used—was applied to other candidates than William Lorimer; wasn't it?—A. Yes. Not that it had been used; it would be used—they would like to use it.

Senator BURROWS. That is all. Do you need this witness any more?

Mr. AUSTRIAN. No, sir.

Judge HANECY. No; Mr. Chairman.

Senator BURROWS. You can be excused, sir.

Mr. AUSTRIAN. I think we are through with Mr. Groves, too.

Senator BURROWS. Mr. Groves—do you need him any more?

Judge HANECY. I do not desire him any further.

Senator BURROWS. You can be excused.

Judge HANECY. I will call my witnesses, if the Chairman and committee desire me to go on.

Senator BURROWS. We would like to put in the time, if you can.

Judge HANECY. Very well, Mr. Chairman.

Mr. Chairman, while we are waiting to fill in here, I desire to offer a certified copy of the record of the criminal court of the county of Cook, showing the dates when the Browne trial commenced and ended, and then I want to offer a certified—and then I want to offer a certified—I do not care to read any of it—of the short petition by the state's attorney, and the order calling for a grand jury—a special grand jury—while that trial was on, that grand jury that Mr. Wayman testified in relation to, where only two parties were indicted, and they were the two witnesses who have testified for the defense in the Browne case.

Mr. AUSTRIAN. I object to that.

Judge HANECY. I do not care to read them, but I want the record to show that these are the records, giving the accurate dates.

Mr. AUSTRIAN. There will be no dispute about the dates. Mr. Wayman gave the dates, and there is no dispute about the dates if the dates have any part here.

Senator BURROWS. Let this matter rest; there is a witness on the stand. We will proceed with this, and consider that matter later on.

Judge HANECY. I am making that offer.

Mr. AUSTRIAN. I understand that offer has not been passed on?

Senator BURROWS. It has not.

KATHERINE A. WOODS, called as a witness herein, having been first duly sworn, was examined by Judge Hanecy, and testified as follows:

Judge HANECY. What is your full name?—A. Katherine A. Woods.

Q. Are you in any business or occupation?—A. Well, I run a cigar stand at the Elmer Hotel in East St. Louis, Ill.

Q. Do you own it?—A. Yes, sir.

Q. Anybody with you in the ownership of it?—A. No, sir.

Q. Where do you live?—A. 612 North Twenty-third street, East St. Louis, Ill.

Q. How long have you lived there?—A. I have lived there three nonths.
Q. How long?—A. Three months at that address.
Q. How long have you lived in East St. Louis?—A. All my life.
Q. You were born there?—A. Yes, sir.
Q. And you are now of age?—A. Yes, sir.
Q. Do you know Charles A. White?—A. Yes, sir.
Q. How long have you known him?—A. About two years.
Q. The last two years, or two years?—A. The last two years.
Q. Where did he live when you first knew him?—A. In O'Fallon, Ill.
Q. That is in St. Clair County, the county you live in?—A. Yes, sir.
Q. How often did you see him during the two years that you had known him?—A. Well, I don't know exactly how often, but he came into my cigar stand frequently and spent hours in there.
Q. Did you know him before he became a member of the last general assembly of Illinois?—A. No, sir.
Q. Was it after he was elected to the legislature?—A. Just before he was elected.
Q. Just before. You became acquainted with him?—A. Yes, sir.
Q. Did you meet him and go with him to dinner, or to some meal?—A. Yes, sir.
Q. How often?—A. Once.
Q. Did you meet him and go with him to some place of amusement?—A. Yes, sir.
Q. How often?—A. Three times.
Q. Did you meet him at any other occasion and go with him to any place, other than the places of amusement, and to dinner or to some meal?—A. No, sir.
Q. Where did you go? When was the first occasion that you met him?—A. In October.
Q. Where you went to, either some place of amusement or to a meal; which was the first one of those four?—A. I was only with him three times.
Q. I thought you went three times to places of amusement and once to a meal?—A. Three—well, we went to places of amusement, too.
Q. Well, which was the first occasion, the date of it?—A. In October, the latter part of October, I do not know the exact date.
Q. What year?—A. 1909.
Q. Where did you go then?—A. We went to the matinee, and from there we went to a millinery store, and from there we went to Nagel's and had dinner, and from there we went to a show that evening and back home.
Q. Was that all in East St. Louis?—A. That was in St. Louis, Mo.
Q. All of those places?—A. Yes, sir.
Q. The theater, millinery store, and the place where you took the meal?—A. Yes, sir.
Q. And then you came back across the bridge to East St. Louis?—A. Yes, sir.
Q. When were the other two occasions?—A. One was in November of the same year, 1909.
Q. And what was done at that time? Where did you go?—A. We went to a show in East St. Louis, after I quit work at 9 o'clock.

Q. And the third occasion?—A. Was in April, I think.

Q. What year?—A. 1910, just before the story came out in the newspapers.

Q. Now, on the first occasion that you have referred to, did you talk with Mr. White about his exeprience in the legislature, and what he was going to do, and so forth, or did he talk with you?—A. He told me about it.

Q. At that time did Charles A. White tell you, Miss Woods, that——

Mr. AUSTRIAN. Just a moment. I submit the proper way to examine the witness is to ask the witness what Charles A. White told and not have counsel testifying.

Judge HANECY. This is an impeaching question——

Mr. AUSTRIAN. That is very true.

Judge HANECY. And that is just the argument this gentleman made to this honorable body earlier, insisting I should not do that.

Mr. AUSTRIAN. That was an impeaching question of Mr. White's.

Judge HANECY. Of Mr. White. I have never impeached any witness that was on the stand; I was impeaching some other witness by other witnesses that were called.

Mr. AUSTRIAN. As I understand the rule, you ask a witness, of this witness, for instance, what conversation she had, and then if she testifies as to what conversation she had you put the direct question to her: "Did you, on such and such a time, have such and such conversation?"

Senator GAMBLE. Is not the rule the reverse?

Mr. AUSTRIAN. No.

Senator GAMBLE. Isn't the rule the reverse; that is, the impeaching question should be submitted and then you, on cross-examination, go into the details?

Mr. AUSTRIAN. No; the impeaching question must be specific to the witness you are seeking to impeach; that is, when you put it to Mr. White. But Judge Hanecy is endeavoring to impeach Mr. White's testimony by this witness. The first rule is, you must ask her what conversation she had, and then put the impeaching question.

Senator GAMBLE. I think that is right, to direct her attention to the particular testimony, time, and place, and then submit the impeaching question that has already been submitted to Mr. White.

Mr. AUSTRIAN. After she has testified what conversation she had.

Senator GAMBLE. No; that is cross-examination.

Mr. AUSTRIAN. This is not cross-examination; this is impeaching testimony.

Senator GAMBLE. You will have an opportunity to cross-examine her.

Mr. AUSTRIAN. Isn't this the rule——

Senator GAMBLE. I do not think so.

Mr. AUSTRIAN. Isn't this the reason of the rule: You get substantive evidence in——

Senator GAMBLE. I do not care for any argument here but any practice where I have ever been, the witness White was on the stand and they propose to impeach him, the question, technically, is submitted to him, and he answers, "No," or he answers, "Yes." If he answers "No," why then the same question can be submitted to the

witness by whom it is proposed to impeach him with, and then cross-examination will follow, at least that has been my experience.

Judge HANECY. And that must be done.

Senator BURROWS. Will you put the question?

Judge HANECY. At that time, Miss Woods, did Charles A. White tell you that he was writing a history of his life and of the Illinois legislature?—A. Yes, sir; he did.

Q. At the same time and place did he also say to you that he expected to make a fortune out of it, and that the Lorimer bunch would have to pay him money enough to keep him the rest of his life, and if the Lorimer bunch did not do it he would make it hot for Lorimer? Did he say that to you, or that in substance?—A. Yes, sir; he did.

Q. Did he further state in that conversation that he was going to run for Congress; that rich people of Chicago were backing him; and that he had spent $3,000 and a lot of time in making the history of his life and of the Illinois legislature; and that he was going to get it back?—A. Yes, sir.

Q. Did you then say to him, at the same time and place, "You will land in the penitentiary, Charley;" and did he reply, "No; I won't. I have influential friends, who will protect me?" Did that conversation occur?—A. Yes, sir.

Q. And that was in the fall, you said, of 1909?—A. Yes, sir.

Q. Did Charles A. White take you—well, you have already told—to some place, to some play in East St. Louis? Now, I am calling your attention to that time?—A. Yes, sir.

Q. On your way home that evening did Charles A. White tell you in substance that he was going to get a lot of money out of the Lorimer bunch, enough to take care of him the rest of his life?—A. Yes, sir.

Q. On that same day at luncheon or meal did Charles A. White say to you that he was going to get something out of Reddenburg, meaning Congressman Reddenburg, and he was going to get something on Reddenburg, meaning Congressman Reddenburg, and he was going to put him out of business; and that he (White) would then run for Congress and settle down and get married?—A. Yes, sir; but that was on the first trip.

Q. That was on the first occasion?—A. Yes, sir. I only went to lunch with him once.

Q. Did you go out to walk with Charles A. White from the hotel where your cigar stand is, about Thanksgiving time, 1909?—A. He walked home with me one evening from work.

Q. On that occasion, in front of your house, did he tell you to watch the Chicago papers, and that he had been up in Chicago several times, and that you should watch the Chicago papers, for he was going to make out of the Lorimer bunch enough to live comfortably; and that he was going on a trip to Europe when he got the trouble started, and that when he got the trouble started he was going to let them fight it out?—A. Yes, sir.

Q. On that occasion did Mr. White say to you, did Charles A. White say to you that he (White)—no; on that same occasion did you say to Charles A. White that he (White) would get into trouble, and did he answer, "No; I do not fear. I have rich people helping

me, and they will take care of me. I am not afraid of getting into trouble. I have killed two men down South and nothing happened to me for it. One of them I killed was a white man and the other was a nigger?"—A. Yes, sir.

Q. Do you have a typewriting machine, Miss Wood?—A. Yes, sir.

Q. And you do typewriting?—A. Some.

Q. You have a sister, have you not?—A. Yes, sir.

Q. Younger than you?—A. Yes; she works for me.

Q. She worked for you there?—A. Yes, sir.

Q. About centennial week in St. Louis, last year, did Mr. White say to you, "I have got it in for Lorimer, Senator Lorimer and his bunch, and they will have to come across or I will make them pay dearly for it. I have spent $5,000 this session, having a good time and looking up the dope on them. I have a friend in Chicago who will back me up and furnish me all the money I want?"—A. Yes, sir.

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. This centennial week story that you have just narrated, or the conversation, that is the first time you have testified about that, is it not? This is the first time?—A. Centennial?

Q. Yes. This last conversation that you are telling us you have had with Mr. White, you have never testified with reference to that before, have you?—A. Yes, I testified to the three trips I was with him.

Q. But this centennial week, this conversation about getting $5,000?—A. Yes; I did.

Q. Did you ever testify to that before?—A. Yes; I have.

Q. On what trial of the Browne case?—A. On both of them.

Q. Didn't you say $3,000?—A. Three thousand; I don't think I did.

Q. Did Charley White tell you he was going to get $3,000 or $5,000?—A. He didn't tell me he was going to get any certain amount. He told me he had spent that amount and he got it looking up this dope.

Q. Did he tell you had spent $3,000 or $5,000?—A. Five thousand I think it was.

Q. He didn't tell you he had spent 3,000, did he?—A. And he had spent two or three thousand taking lake trips.

Q. Oh, he told you he had spent two or three thousand dollars taking lake trips; is that right?—A. Yes, sir.

Q. With whom?—A. He didn't say; he never said, and I never asked him.

Q. And he at no time told you with whom he had taken those lake trips?—A. No, sir; he did not.

Q. What is your name?—A. Catherine A. Woods.

Q. Miss Woods, when did you first detail to anyone all this accurate conversation concerning which you have just testified?—A. To E. C. Singers.

Q. Mr. Singers?—A. Yes.

Q. When?—A. The 9th day of May.

Q. 1910?—A. 1910.

Q. And they took place along in the fall—late fall of 1909?—A. Yes, sir.

Q. Now, the first one was when?—A. That I told that?

Q. Yes.—A. In May 9, 1910.

Q. No; the first conversation was when?—A. Oh, in October.
Q. In October, 1909?—A. In 1909.
Q. The last conversation was when?—A. In April.
Q. 1910?—A. 1910.
Q. Have you told this committee all of the conversations you had with Mr. White on this subject?—A. Yes; about all.
Q. All?—A. I can not remember every word.
Q. Did Charles A. White, on one of these occasions, take out a revolver and put it on the table?—A. No; he had it in his hand.
Q. He had it in his hand. Did he tell you he had killed a white man and a nigger?—A. Yes, sir; he did.
Q. No doubt about that, is there?—A. Well, I didn't believe it at the time.
Q. And what conversation was that in?—A. Which one?
Q. Yes.—A. On the second trip, I think.
Q. You still went out with him?—A. He walked home with me himself and the operator at the hotel.
Q. You didn't object to his presence, did you?—A. No; I did not.
Q. You did not object to associating with him after he told you of these bad things he was going to do?—A. No; I didn't think he was dangerous; I didn't believe him.
Q. You didn't believe it was true?—A. No, sir; I did not.
Q. You didn't inform anyone with reference to it, did you?—A. No, sir; I did not.
Q. You knew Congressman Rodenberg, didn't you?—A. I did.
Q. You didn't tell Congressman Rodenberg Charley White was going to get him?—A. No, sir; I did not.
Q. And then after putting him out of office, was going to try and get his job?—A. No; I didn't believe he could.
Q. You continued to associate with Mr. White, didn't you?—A. No, sir; I didn't, any more than he would patronize my cigar stand.
Q. You knew him pretty well by that time?—A. Well, I had to deal with him at the cigar stand there.
Q. You were quite intimate with him?—A. I was not; no, sir; never.
Q. Will you tell the committee you were not intimate with Mr. White?—A. I was never intimate with Mr. White.
Q. Weren't you surprised when Charley White unfolded all his personal crookedness and his personal corruptness to you?—A. He insisted on talking about it; I wasn't.
Q. You were not surprised when he told you at all. Mr. White told you at the cigar counter about all these things?—A. Well, he had talked about it. He would talk to anyone that would talk to him.
Q. You have talked to a number of people about this?—A. He had talked about such things in the barroom of the hotel.
Q. And were you there?—A. No; I wasn't. I heard men speaking about it.
Q. It was a matter of public comment, was it?—A. Yes, sir; it was.
Q. That White was going to get Lorimer, and White was going to get Reddenburg, and White was going to hold some one up; is that correct?—A. I don't know as any names were mentioned, but about what he was going to do.

Q. White had spent two thousand or three thousand on his lake trips?—A. Yes, sir.

Q. And that he had spent several thousand dollars on his history?—A. Yes, sir.

Q. And he was going to make some one pay for it?—A. Yes, sir.

Q. That was a matter of public talk?—A. Yes; around East St Louis; yes.

Q. So when he told it to you, you were not surprised? And immediately after you heard it from him you heard it from others?—A. Yes, sir, I did.

Mr. AUSTRIAN. That is all.

Judge HANECY. Who is Mr. Singer that you say you first told this to, Miss Woods?—A. He is the editor of the East St. Louis paper.

Q. He is a newspaper man?—A. Yes, sir.

Q. Did he publish that story in his paper?

Mr. AUSTRIAN. I object.

Judge HANECY. All right, I don't care about it; that is all.

Mr. AUSTRIAN. Miss Woods, I forgot to ask you a question. Did you meet Mr. P. H. O'Donnell at your home town?—A. Yes, sir; I did, at the hotel.

Q. How many times?—A. Twice.

Q. And he came down and talked to you about this matter, did he?—A. Yes, sir.

Q. And other people came down and talked to you about it?—A. Yes, sir.

Q. And you discussed it in Mr. Flannigan's office, didn't you?—A. We went to Mr. Flannigan's office.

Q. And a number of lawyers were down there looking up witnesses and evidence, weren't they?—A. No; there wasn't. I met a Mr. Forrest and Mr. O'Donnell.

Q. The two lawyers from Chicago; and Mr. Flannigan spoke to you about it in your home town?—A. We talked it over in the hotel.

Q. Mr. Flannigan talked it over with you?—A. I think so; and Mr. O'Donnell was there during a part of the time.

Q. And a number of other people did some talking with you there?—A. Just those three.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Mr. AUSTRIAN. Oh, by the way, you were in attendance all morning here, were you not?—A. Yes, sir.

Q. You were in the witness room all morning, were you?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator BURROWS. Gentlemen, will you want anything further with this witness?

Judge HANECY. I do not want this witness any further.

Mr. AUSTRIAN. No, Mr. Chairman.

Senator BURROWS. You may be excused.

Judge HANECY. William Stermer.

Senator BURROWS. Call Mr. William Stermer.

WILLIAM H. STERMER, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Judge Hanecy and testified as follows:

Q. What is your full name, Mr. Stermer?—A. W. H. Stermer.

Q. It is William H., is it?—A. William H.

Q. What is your business or occupation?—A. Assistant manager of the Briggs Hotel Company.

Q. In Chicago?—A. Yes, sir.

Q. Do you know Charles A. White?—A. Yes, sir.

Q. Do you know Mr. Fred Zentner?—A. Yes, sir.

Q. A traveling salesman?—A. Yes, sir.

Q. Did you meet them on the 19th of August, 1909?

Mr. AUSTRIAN. Oh, I object to putting every date and every conversation in the witness's mouth. When did you meet him in August or in the summer of 1909?

Judge HANECY. I will put the impeaching question, then. On or about the 19th of August, 1909, in your presence, and in the presence of Fred Zentner, a traveling salesman, in the bar or buffet of the Briggs House, did Charles A. White say in substance that he was going to take a trip in the fall and winter; that he was going to his home at O'Fallon, and then down to New Orleans, then to Cuba, and up to New York, and that he was going to have a big time in New York, and then come back home again?—A. Yes, sir.

Q. In the same conversation did either you or Mr. Zentner say to him, "You must have a lot of money to spend for anything like that?"—A. Yes, sir.

Q. And in reply did White then say, "No; I have not a lot of money, but I am going to get it, and I am going to get it without working?"—A. Yes, sir.

Q. And then did Mr. Zentner ask how he was going to do that?—A. Yes, sir.

Q. And did White then say, "Well, that Lorimer crowd and our old pal Browne, too, have got to 'come across' good and hard when I say the word, and I am going to say it?"—A. Yes, sir.

Q. And did you then say to White, "Have you got anything on them?"—A. Mr. Zentner said that.

Q. Mr. Zentner said it?—A. Yes, sir.

Q. In your presence on that occasion?—A. Yes, sir.

Q. And then did White say, "No; I ain't. I got the worst of it down there in Springfield, but that makes no difference." "I voted for Lorimer, and I am a Democrat, and I can say I got money for voting for Lorimer. Do you suppose they can stand for it a moment? I guess they will cough off when I say the word to them."—A. In substance; yes, sir.

Q. And then did you say to White or did Zentner say to White, "God, you would not treat Browne that way, would you?"—A. Mr. Zentner asked him that.

Q. And did White then say, "I am looking out for White, and besides Browne would not have to pay. That bunch behind him would have to, and it would not hurt him?"—A. Yes, sir; in substance; yes, sir.

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. Mr. Stermer, you know Browne very intimately?—A. I know him for about eight years.

Q. Will you kindly address the chairman?

The WITNESS. Oh, pardon me.

Q. And Browne is around the Briggs House a great deal?—A. Yes, sir.

Q. He lives there now?—A. Yes, sir.

Q. And lived there all through, practically, all of this year, hasn't he, since May of this year?—A. Yes, sir.

Q. Do you remember the trips that Browne and White took after the legislature adjourned in 1909?—A. What trips, please?

Q. Well, do you know of any trips they together took?—A. I know they took trips across the lake.

Q. And then Browne and White remained here at the Briggs House, didn't they?—A. Yes, sir.

Q. How long have you known Mr. White?—A. I met him in July, 1909.

Q. And this conversation was in October, 1909, was it, or August?—A. August.

Q. On the 19th day of August?—A. Yes, sir.

Q. 1909?—A. Yes, sir.

Q. And four or five weeks after you first met him?—A. Yes, sir.

Q. He unfolded to you what he was going to do, did he?—A. Yes, sir.

Q. How soon after that—he had just left Mr. Browne, hadn't he, shortly before?—A. You mean at that day?

Q. No; shortly before that day?—A. They came back on the boat that morning.

Q. They had been out on this trip?—A. Yes, sir.

Q. And they had come to the hotel together, is that right?—A. They came back to the hotel; I wasn't right there when they came back, but they came back.

Q. That was one of the frequent trips they had taken across the lake?—A. That was one of the trips during that week; yes, sir.

Q. Did you see Mr. Browne when he got back that morning?—A. I don't remember that I saw him that morning; I saw him that day, and I saw him that evening.

Q. Was Mr. Browne sober or otherwise?—A. He was sober when I saw him.

Q. Was Mr. White sober or otherwise?—A. He was drunk.

Q. Then he made these threats while he was intoxicated, did he?—A. Yes, sir.

Q. Did you ever hear him make any such threats before or afterwards?—A. No; I never did.

Q. Did you tell Mr. Browne about it?—A. No, sir.

Q. Never repeated them at all, did you?—A. Not at that time; no, sir.

Q. You never told anyone about it until after May, did you, of this year?—A. Mr. Zentner and I spoke of it the next day.

Q. Did you and Zentner then conclude you ought to tell some one about it?—A. Mr. Zentner said to, but I said not to.

Q. Mr. Zentner wanted to tell some one, and you didn't want to is that correct?—A. That is the way it was, yes.

Q. And then no one did speak of it to anyone until after the 30th f April of this year, that is correct?—A. That is correct.
Q. And then who did you tell about it?—A. I told Mr. Browne.
Q. You told Mr. Browne after Mr. Browne was indicted here, did ou not, or immediately before his indictment, after the publication f this letter or confession?—A. I told Mr. Browne on the 1st day f May.
Q. 1910?—A. Yes; the 1st day of May, 1910, Sunday.
Q. Then did Mr. Browne take you over to his lawyers, or did his awyers go to you about it?—A. Not at that time.
Q. And how soon afterwards?—A. About three weeks.
Q. Nothing took place for about three weeks, with reference to our story?—A. No.
Q. Did you reduce it to writing then? Was it reduced to writng?—A. I told Mr. Browne about it that Sunday, and also told him bout it again.
Q. Was it reduced to writing?—A. It was reduced to writing.
Q. Yes. And was handed to the attorneys?—A. Yes, sir.
Q. Is that correct?—A. Yes, sir.
Q. Now, you undertook to give the conversation that you had with Ir. White, did you not?—A. I gave him the conversation as near as could, as I heard it.
Q. Will you just repeat it to the committee, please? Now, you ave testified to this conversation twice, haven't you?—A. Yes, sir.
Q. And this is the third time you have testified, is that correct?—. Yes; I did.
Q. To this conversation?—A. Yes, sir.
Q. Will you just repeat the conversation once more?—A. He said e was going to take a big trip in the fall and winter; that first he as going home, to his home in O'Fallon, and from there he was oing to New Orleans, from New Orleans to Cuba, from Cuba to ew York City, where he expected to have a big time, and then he ould come back home again. One of us asked him, or said to him, ather, that he must have a lot of money to take a trip of that kind. Ie said that he didn't have the money, but he was going to get it, nd he said he was going to get it without working for it, too. Mr. entner asked him how he was going to do that. Well, he says: That Lorimer crowd and our old friend, Browne, has got to 'come cross' good and strong with me when I say the word, and I am going o say it, too." Mr. Zenter asked him if he had anything on him, or iem, rather. He says, "No, he hadn't." He said he got the worst f it at Springfield, but that didn't make no difference, he was a)emocrat, and had voted for Lorimer, and he could say that he got ioney for it. He said: "Do you think they could stand for that ame?" Mr. Zentner said: "My God, you wouldn't treat Browne iat way, would you?" "Well," he said, "I am looking out for Vhite, and besides," he said, "Browne wouldn't have to pay; the unch back of him would have to do that; it wouldn't hurt Browne." hat is about all that was said at that time.
Q. I will ask you to look at what purports to be your testimony, in ply to this same question, at the last trial of Lee O'Neill Browne, nd ask you whether or not that is correct, and if it is, I will ask you o read it into the record.
The WITNESS. Do you want all of this?

Mr. AUSTRIAN. Is that correct?

Senator BURROWS. Well, he wants to know if he will read it through.

Mr. AUSTRIAN. Read it through. That is your testimony on this point, this exact conversation. Was that your testimony in reply to this same question?—A. Yes, sir.

Mr. AUSTRIAN. I desire to offer it in evidence.

The WITNESS. As near as I can tell; there may have been one or two words different, as I think at this time. Does that make any difference? In substance it is the same.

Q. Other than one or two words, your testimony here is exactly the same as it was on the first and second trial of Lee O'Neil Browne, is it not?—A. Yes, sir.

Mr. AUSTRIAN. I desire to offer this in evidence. It is the answer to this same question.

Senator BURROWS. Given on the Browne trial?

Mr. AUSTRIAN. It is, verbatim et literatim, the same.

Senator GAMBLE. Is it for the purpose of impeachment?

Mr. AUSTRIAN. No; it is for the purpose of having whoever passes upon it to draw the conclusion whether the mind of man has been constructed so that he can detail the same conversation after a period of six months.

Judge HANECY. He has done it.

Mr. AUSTRIAN. I know; but I want them to say whether he can do it or not; that is all.

Senator BURROWS. Anything further?

Judge HANECY. That is all, Mr. Chairman.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Will you need the witness any more?

Mr. AUSTRIAN. That is all.

Senator BURROWS. Will you need the witness any more?

Judge HANECY. Well, Mr. Chairman, just one minute.

Q. Is there any explanation you want to make in connection with Mr. Austrian's question?—A. No, sir.

Q. You said it the same on the other occasions as you have here?

Mr. AUSTRIAN. I object now. What the witness said is in the record, and it is not for him to determine whether or not it is the same.

Senator BURROWS. Well, the committee understood that he said there was some mistake in one or two words.

The WITNESS. The only question in my mind is whether one or two words would make any difference in my testimony.

Senator BURROWS. What are those words?

The WITNESS. In substance, it is the same.

Mr. AUSTRIAN. Point out what words are different.—A. There may have been one or two words I said this time I didn't say before.

Q. Can you tell us what the words are?—A. I don't know exactly what I said before, and I don't know exactly what I said now.

Senator FRAZIER. Mr. Stermer, one moment. I believe you said Mr. White was drunk on this occasion that you had the conversation. Is that correct?—A. Yes, sir.

Q. Did it occur in the bar?—A. They were drinking before I went into the barroom. I joined them at 11 o'clock.

Q. At night or morning?—A. At 11 o'clock at night.

Q. And they had been drinking in there before?—A. All day, apparently.

Q. Who had?—A. Mr. Zentner and Mr. White.

Q. Mr. Zentner and Mr. White. Were they both considerably intoxicated at the time?—A. Yes, sir; early in the evening they were, even.

Q. Early in the evening they were both pretty drunk?—A. Yes; and this was later, 11 o'clock.

Q. At 11 o'clock were they both very drunk, or not?—A. Zentner didn't seem to be very drunk. He was apparently taking care of White in a way.

Q. Was White very drunk?—A. I should say he was; I should consider him drunk.

Mr. AUSTRIAN. And when had Mr. Browne left this jolly party?—A. I didn't see Mr. Browne with them that day. They came back from the boat in the morning.

Q. Mr. Zentner was with Browne and White on the trip that morning?—A. Oh, yes.

Q. White and Browne were around your hotel a good deal, weren't they, during that summer, from May, June, July, and August?—A. July and August; yes, sir.

Q. Mr. Browne was at the Briggs House on the 15th, 16th, and 17th of June, 1909, wasn't he?—A. Well, now, I don't know. He was there a good many times; I don't know the date.

Q. Didn't you testify on a prior trial, in this way, that Mr. Browne was there on the 16th and 17th of June, 1909, the second and first Browne trial?—A. I could tell by looking at our transfer book. I don't know whether I testified to that or not; if I did, I looked at the book, or somebody showed it to me, or something.

Q. You don't know whether you ever looked at the transfer book for the purpose of ascertaining when Mr. Browne was in Chicago in June, 1909?—A. I think Mr. Arnold and I looked it up at one time.

Q. You can not tell this committee whether Mr. Browne was at the Briggs House, registered at the Briggs House, on June 16, 17, and 18, 1909, can you?—A. I think that is the date, the 15th, the date that he arrived there.

Q. The 15th?—A. Yes, sir.

Q. How long did he remain there?—A. Mr. Arnold asked me, if I may explain this, to find out, to look at the book, to show him, when I took the book to the office there.

Q. You can not tell us how many?—A. I can not tell you.

Q. Did you look at it for Mr. Arnold?—A. I showed him the date he arrived.

Q. Did you look to see how long he remained?—A. I think two or three days; I can't say.

Q. I asked you if you looked it up for Mr. Arnold to ascertain how long Mr. Browne remained at the Briggs House from June 15 on?—A. Our system is in the dates; June 15 would be 6–15, then it would be checked off opposite that, the date he left. I am not sure, 6–21, or something.

Q. You are not sure, and still you looked that up for Mr. Arnold in 1910, didn't you, after the 1st of May, 1910?—A. He asked me to tell him when he came, and he looked and saw it on the book there, and he had the book in his hand.

Q. He asked you how long he remained?—A. No; I don't think he asked me that.

Q. You don't think so?—A. No, sir.

Q. Are you sure he didn't ask you that?—A. This was up in Mr. Arnold's office.

Q. I know that.—A. I don't know that he did; he may have.

Q. You can not tell us now how long Mr. Browne remained at the Briggs House, in the month of June, 1909?—A. I wouldn't want to swear to it, Mr.——

Q. Do you know that Mr. White said that Mr. Browne paid him the money in the Briggs House on the 15th of June, 1909; don't you?—A. I heard that he said that.

Q. You read it, and heard it testified to, didn't you?—A. Yes, sir.

Q. And still you can not tell this committee how long after the 15th of June, 1909, that Mr. Browne remained there; is that correct?—A. Under oath, I would say——

Q. You are under oath all the time. A. Well, I understand; but I don't want to say—I wouldn't say under oath that I could say.

Q. How do you know it was the 19th of August, 1909, when you had this conversation with Mr. White?—A. For the fact of the matter that I was working for one of the clerks; he was on his vacation during August. I didn't know what date it was, and I asked Mr. Zentner if he knew what date it was, and he said he did know because he had a ticket of a berth that they went over on the boat, and that was dated August the 17th, and they came back on the 19th, and that was the only way I had.

Q. That is the only way you knew?—A. The date; yes.

Q. And that is what you base it on; he had a ticket to go across the lake?—A. Going over; yes.

Q. And you asked him that in May of this year, 1910, is that correct?—A. Let me see, that was in May; yes.

Q. Of this year?—A. Yes, sir.

Q. And you and Mr. Zentner had never discussed the date of this conversation, from the time it happened up until after May, 1910; is that correct?—A. From that time up until May; yes, sir.

Q. And still you are willing to testify to this committee that that conversation, if one occurred, occurred on the 19th of August, 1909, are you?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. Mr. Stermer, members of the legislature, and people from down in southern and south central Illinois, in considerable numbers, stopped at the Briggs House, didn't they, and have been doing that for some years past?—A. I can't say very many; no. No, not very many.

Q. Well, do many members of the legislature stop there?—A. Mr. Browne and Mr. White were the only two there last summer that I know of.

Q. You were asked if Mr. Browne was drunk. Was Mr. Browne drunk or drinking?—A. He was drinking, though at that time he was not drinking that night.

Q. And you didn't see him drinking at all?—A. I didn't see him drinking that night at all; I saw him in the lobby, but not in the barroom of the hotel.

Q. Was Mr. White so drunk he was not able to talk or move around or take care of himself?—A. Well, he was a little quarrelsome at first, and he was talkative.

Q. Yes; it is evident. But was he able to take care of himself? Was he so drunk that he could not take care of himself?—A. I think he could have taken care of himself. Mr. Zentner was right along with him all of the time; I don't know as he had to be.

Judge HANECY. Yes; that is all.

By Mr. AUSTRIAN:

Q. Was Mr. Browne a drinking man?—A. He is not a drinking man; no, sir.

Q. Mr. Browne is not a drinking man?—A. I wouldn't call Mr. Browne a drinking man. I have seen him drink on a few occasions, but I would not call him a drinking man.

Mr. AUSTRIAN. That is all.

(Exhibit I—W. K. F. L. 10/5/10 is in the words and figures following, to wit:)

[Exhibit 1–W. K. F. L. 10/5/10.]

From the testimony of W. H. Stermer, page 1411, volume 3, testimony in People *v.* Browne.]

Q. At that time and place and in that conversation did Charles A. White say this, or this in substance: That he was going to take a big trip in the fall and winter; that he was going to his home at O'Fallon, then down to New Orleans, then to Cuba, and up to New York; that he was going to have a big time in New York and then go back home again; and then did either yourself or Zentner say to White: "You must have a lot of money to spend for anything like that?" Did White then say: No, that he did not have a lot of money, but that he was going to get, and was going to get it without working; and then did Mr. Zentner ask White how he was going to do that, and did White then say: "Well, that Lorimer crowd and our old pal Browne, too, have got to come across good and hard when I say the word, and I am going to say it?" And then did you say to White: "Have you got anything on him?" And did White say: "No; I ain't. I got the worst of it down there in Springfield, but that makes no difference. I voted for Lorimer, and I am a Democrat, and I can say that I got money for voting for Lorimer. Do you suppose they could stand for that game? I guess they will cough up when I say the word to them." And then did you say to White or did Zentner say to White: God, you would not treat Browne that way, would you?" and did White say: I am looking out for White, and besides, Browne would not have to pay. That bunch behind him would pay that, and it would not hurt Browne." Did that conversation, or that in substance, occur at that time and place?—A. In substance; yes.

Senator BURROWS. That is all. Will you need the witness further?

Mr. AUSTRIAN. No; he is in the city, anyway.

Judge HANECY. We do not desire him. Mr. Zentner.

Senator BURROWS. Call Mr. Zentner.

FRED ZENTNER, called as a witness herein, having been first duly sworn by Senator Burrows, was examined in chief by Mr. Hanecy, and testified as follows:

Q. Mr. Zentner, what is your full name?—A. Fred Zentner.

Q. What is your business or occupation?—A. Traveling man.

Q. Salesman?—A. Yes, sir.

Q. What line of goods?—A. I have been selling corset line.

Q. Do you know Mr. Stermer, who just left the witness stand?—A. Yes, sir.

Q. Do you know Mr. Charles A. White, who was a member of the last legislature?—A. I do.

Q. When you are in Chicago, where do you live?—A. At the Briggs House.

Q. Were you on the 19th day of August, 1909, present at a conversation in the bar or buffet of the Briggs House, in which Charles A. White, William Stermer, and you participated?—A. I was.

Q. In that conversation, did Charles A. White, in the presence of William Stermer and yourself, say that he, White, was going to take a big trip in the fall and winter; that he was going to his home in O'Fallon, then to New Orleans, then to Cuba, and then up to New York, and that he was going to have a large time in New York, and then he was coming home again?—A. He did.

Q. Did you or Mr. Stermer, in that conversation, say to Mr. White in reply, "You must have a lot of money to take a trip like that?"—A. Yes, sir.

Q. And did White then say, "I don't have to have a lot of money but I am going to get it, and I am going to get it without work?"—A. In substance, yes.

Q. And did you say to Mr. White, "What do you mean?"—A. I did.

Q. And did Mr. White then say, "That Lorimer bunch and Browne have got to 'come across'?"—A. Yes, sir.

Q. And did Mr. White then say, "I got the worst of it at Springfield; I voted for Lorimer, and I am a Democrat, and if I say I got money for voting for him, I guess they will 'come over,' won't they?"—A. In substance; yes, sir.

Q. And did you then say at that time and place, "My God, White, you wouldn't do that to Browne, would you?"—A. Yes, sir.

Q. And did Mr. White then say, in response to that, "I am looking out for White, and besides Browne wouldn't have to stand for it?"—A. In substance; yes, sir.

Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. You testified to that exact conversation on two prior occasions did you not?—A. At the Browne trial; yes.

Q. Both the Browne trials?—A. Yes, sir.

Q. When did you testify on the first trial?—A. The date of the testimony?

Q. Yes. A. I don't know just the exact date.

Q. What was the month? Look at the chairman of the committee please. What was the month?—A. Well, I came up here from Oklahoma, two trials——

Q. I am asking you what month.

Senator BURROWS. Well, he is telling you, I suppose.

The WITNESS. Just a minute, and I will give you the date.

Senator BURROWS. The witness is trying to fix the date.

Mr. AUSTRIAN. No; he says, "I came up from Oklahoma."

Senator BURROWS. Well, I suppose, he is trying to fix the date in that way.

The WITNESS. I came up from Oklahoma in May.

Q. Yes.—A. The 27th, I think it was, and I was on the stand about two weeks after that, I should think.

Q. Then you were testifying in the Browne trial for the first time, n the month of June?—A. I think it was.

Q. 1910?—A. I think so.

Q. And the second trial?—A. I came up from Oklahoma at that ime—from Oklahoma City. I left there the latter part of July and testified; I might have been here——

Senator Burrows. A little louder, witness.

A. I might have been here a week or two.

Q. Then when did you testify the second time?—A. In August.

Q. The first time you testified was in June, and the second time ou testified was in August, is that right?—A. I think it was, yes.

Q. Then will you tell this committee this occurrence took place in August, 1909, is that correct?—A. Yes, it did.

Q. Where had you been immediately prior to this occurrence?—A. On a lake trip.

Q. With whom?—A. Brown and White and myself.

Q. How long had you been on those excursions?—A. There were wo trips. We were on one trip one day, and the other trip we were gone two nights and one day.

Q. Yes, sir. And then you got back? You were not on the third rip they made?—A. They made a trip, one trip, Mr. Browne and Mr. White went alone, I did not go with them. There was a trip in between.

Q. And you made two trips with them?—A. Yes, sir.

Q. And then you came back to Chicago and went to the Briggs House?—A. After we got back. I don't know whether we went right to the hotel, but we were there that night.

Q. Didn't you go there in the morning?—A. We came up to the hotel, yes, but I don't know whether we went right up to the hotel or not.

Q. Where did you go before you went to the hotel?—A. I am not certain, whether we went to the hotel or whether we went anywhere right from the boat. I don't know whether we went right from the boat or not.

Q. You can not recall where you went from the boat, when you got back from making these trips across the lake on the 19th day of August?—A. Not very well, because Mr. White and I walked up town. I don't know whether we went to the hotel before we went up. He wanted to buy a couple of neckties, and I don't know whether we went to the hotel first or went to the store.

Q. Was Mr. White drunk when he landed in Chicago?—A. No, I don't think he was.

Q. Had he been drinking?—A. Yes, a little bit.

Q. Had you been drinking?—A. Yes, sir.

Q. Had Mr. Browne been drinking?—A. Yes, sir.

Q. Then you got to the hotel. Will you tell this committee what time you got to the hotel?—A. It was in the morning.

Q. Who got to the hotel?—A. We went to the hotel; I don't know whether Mr. Browne went up with us or got in a cab or not, I am not sure.

Q. You don't know whether you rode up or walked up or went up in a cab, or Browne was with you, or Browne was not with you?—A. I think we walked over to the hotel, and Browne was with us that day until noon, I know.

Q. He was?—A. Yes, sir.

Q. When you got to the hotel did you drink any?—A. Well, Mr. White and I left Mr. Browne then; Mr. White and I drank; yes.

Q. Mr. White and you drank. Where did Mr. Browne go?—A. I don't know where he went.

Q. When did Mr. Browne come back?—A. I met him in the hotel that evening.

Q. Did Mr. Browne then join you?—A. No, sir; he did not.

Q. He went up to his room?—A. I don't know where he went.

Q. And then you had this conversation, did you, that evening later?—A. I did.

Q. Was Mr. White drunk?—A. Well, he had been drinking; yes, he was drunk.

Q. He was quite drunk, wasn't he?—A. Yes, sir.

Q. You were taking care of him, weren't you?—A. No; I wasn't taking care of him; I was with him.

Q. Was he taking care of himself?—A. I don't know what you mean by that.

Q. Well, was he capable of taking care of himself? You have seen drunken men?—A. Yes.

Q. You know whether a man, in your judgment, is capable of taking care of himself when he was drunk, don't you?—A. I was around with Mr. White, and I knew he was drunk, and I wasn't going to see him get in trouble.

Q. You were looking after him?—A. In a way, yes. I wasn't there for that purpose.

Q. On that trip Mr. Browne bought you the shoes—on this trip you are talking about?—A. No; he didn't buy me any shoes on any trip.

Q. Mr. Browne never did buy you shoes?—A. Yes; he did, but not on any trip.

Q. Well, before taking a trip.—A. During that month some time.

Q. You had not met Mr. White before this occurrence that you have detailed here, had you?—A. Yes, sir; I had.

Q. How long prior to that?—A. Along the latter part of July or the first part of August.

Q. Then your acquaintance with him was about two or three weeks at the most, was it not?—A. Yes, sir; it was.

Q. He unfolded this tale to you about getting Browne and getting Mr. Lorimer and making a trip around the world and making them "come across." That was all unfolded to you on this occasion, was it?—A. It was that evening, yes, that we came back from the lake trip.

Q. You were very friendly to Mr. Browne?—A. Yes, sir.

Q. And had met Mr. Browne and known Mr. Browne for a long time?—A. I knew Mr. Browne about a little over two years, but in a friendly way, until that trip.

Q. But you knew he was very close to Mr. Zentner?—A. How do you mean?

Q. Mr. Stermer—you knew Mr. Browne was a very good friend of Mr. Stermer's?—A. Well, he was a guest of the hotel there.

Q. Did you or did you not know that Mr. Browne was a friend of Mr. Stermer's?—A. I knew he was a friend, but not very close. No; I couldn't say that.

Q. And you were a roommate, weren't you?—A. Of whom?
Q. Of the clerk of the hotel?—A. Not at that time; no, sir.
Q. Well, you have been since?—A. Yes; the last trip in; yes, sir.
Q. Now, will you tell this committee exactly that conversation, as ou remember it, and as you have testified to it on the two Browne ials?—A. The entire conversation?
Q. Yes, sir.—A. We were talking about this trip that we just turned from, from Michigan. We had been over to Michigan, and e little experiences, numerous experiences that happened on this ip, we were relating them to Mr. Stermer, and Mr. Browne said, Mr. White said, then, he was going to take a trip that fall, he was oing to his home in O'Fallon, down to New Orleans, over to Cuba, d up to New York, where he was going to have a good time, and en he was going home, and one of us asked him, we said, "You ust have quite a lot of money to make a trip like that, haven't ou, Mr. White?" He said, "No; I haven't, but I am going to get , and I am going to get it without working, too." I asked him en, I said, "How are you going to do that?" Well, he said, "You now that Lorimer crowd and their old pal Browne will have to ome across' when I say the word, and I am going to say it, too." asked him then what he meant; I said, "What do you mean?" Well," he said, "I got the worst of it down at Springfield. I am a emocrat and I voted for Lorimer and I can say I got money for it, n't I? Can they stand for that kind of game?" I said, "God, ou wouldn't treat Browne that way?" White said, "No; I am oking out for White, and besides Browne wouldn't have to stand r it anyway, it would be the bunch behind him." And that was out all the conversation. About 1 o'clock they closed the bar, romptly at 1, and we went out in the lobby of the hotel then and ft Mr. Stermer.
Q. This story that you have—this conversation, when was it duced to writing, if you know?—A. I don't know as it ever has en.
Q. Well, hasn't it been?—A. I don't know.
Q. Haven't you seen it written?—A. I saw it in the newspaper fter we went on the stand.
Q. Didn't you ever see anyone take it down in shorthand, or in nghand, and read it over to you?—A. No, sir.
Q. At no time?—A. No, sir.
Q. And that never has been reduced to writing, so far as you now?—A. Not so far as I know.
Q. And you never committed it to memory, did you?—A. How?
Q. You never committed it to memory, did you?—A. Committed ; I don't understand what you mean.
Q. Memorize it?—A. In what way?
Q. Did you ever memorize this story that you have just testified , this conversation?—A. As I have given it?
Q. Yes.—A. I have told you what it was; I must remember it.
Senator BURROWS. What he desires to know is if it was written out, nd then you committed it to memory?—A. No, sir.
Mr. AUSTRIAN. I will ask you to look at your testimony in the cond Browne trial, and ask you whether or not that question was t asked you, from the point I have indicated to the point here, and hether or not you did not so testify as there indicated?

Senator BURROWS. Read that over, witness, to yourself.

Mr. AUSTRIAN. Read it over to yourself, as quickly as you can.

Senator BURROWS. Read it over to yourself, and then answer th question.

Mr. AUSTRIAN. Is that correct?—A. That is the statement I hav just given.

Q. Just a moment. What did you say?—A. That is the statemer I just gave this moment.

Q. That is just the same?—A. Practically so.

Q. And you were partly—Mr. White was drunk, and you ha been drinking for several days; is that correct?—A. Not for severa days, I wouldn't say; no, sir.

Q. You were drinking on the trips, weren't you?—A. Well, we go here in the morning.

Q. And you continued to drink during the day?—A. Not ver much that day.

Q. You did drink during that day and you were drinking con siderably at night?—A. At night I did; yes.

Q. And you had this talk with Mr. White this night?—A. Yes, si

Mr. AUSTRIAN. I desire to make the same offer with regard to th witness that I did the prior one.

Senator BURROWS. There is no objection to that.

(Whereupon said Exhibit 1–X. K. F. L. 10/5/10, is in the word and figures following, to wit:)

[Exhibit 1–X. K. F. L. 10/5/10.]

[From the testimony of Fred Zentner, pages 1387 and 1388, volume 3, Record in Peop *v.* Browne.]

Q. And at that time and place did Charles A. White say to you that he wa going to have a big trip in the fall and winter; that he was going to his hom in O'Fallon, and then to New Orleans, then to Cuba, and then up to New York that he was going to have a large time in New York and then come hon again; and did you say to him at that time and place in that conversatio "You must have a lot of money to take a trip like that," and did White say t you, "I don't have to have a lot of money, but I am going to get it and I a going to get it without work," and did you say to him at that time, "Wha do you mean?" And did White say to you, "Well, that Lorimer bunch an Browne have got to come across." Did you then say to White, "What d you mean by that?" And did White say to you, "I got the worst of it a Springfield; I voted for Lorimer and I am a Democrat. If I say I got mone for voting for him I guess they will come over, won't they?" And did yo say at that time and place, "My God, White! you wouldnt do that to Brown would you?" And did White, in response thereto, say, "I am looking ou for Charlie, and besides Browne won't have to stand for it." Did that co versation occur at that time and place or that conversation in substance?— Yes, sir.

Mr. AUSTRIAN. That is all I desire to ask.

By Judge HANECY:

Q. You did testify to these facts in the criminal court of Coo County on the first trial of People *v.* Browne, in June, 1910, didn you?—A. Yes, sir.

Q. And you were not drinking at that time or drunk when yo so testified, were you?—A. No, sir; I was not.

Q. And what you said then was written down or taken down b somebody and published in the newspapers afterwards?—A. Yes, si

Q. And you read it, didn't you?—A. Yes; I did.

Q. And it was published in all the newspapers, wasn't it, or most f them?—A. I saw the testimony in a number of papers, yes.
Q. And you read it in a number of papers, didn't you?—A. Yes, did.
Q. And then you were called as a witness in the second trial of 'eople *v.* Lee O'Neill Browne, in the criminal court of Cook County, n August, 1910, weren't you?—A. I was, yes.
Q. And you testified to the same thing, didn't you?—A. Yes, sir.
Q. And that was published, was it not?—A. I think it was; yes.
Q. And you read it after that, didn't you?—A. I did.
Q. You weren't drinking when you testified the second time in he Browne trial, or under the influence of liquor, were you?—A. No, ir.
Q. And you told the truth on both occasions?—A. Yes, sir; I did.

By Mr. AUSTRIAN:

Q. The fact that you read it in the newspapers on the first trial or fter the first trial, and the fact that you read it in the newspapers fter the second trial, that didn't refresh your recollection as to vhat the occurrence and conversation was?—A. Why, no; I don't hink it did.
Q. You knew, then, before you testified, didn't you?—A. Why, ertainly.
Q. You didn't need to read them again to refresh your recollec- ion?—A. No, sir; I didn't. The testimony that came out in the)apers, or certain parts of it, were not as it was given.
Q. It was not accurate?—A. No, sir.
Q. And you recognized the inaccuracy of it at the time?—A. Yes, ir.
Mr. AUSTRIAN. That is all.

By Senator FRAZIER:

Q. What time of the night was it that this conversation occurred?— \. It was an hour or an hour and a half before the bar closed, and he bar closes at 1 o'clock.
Q. It was somewhere between half after 11 and 1 o'clock?— \. Yes, sir.
Q. How long had you and Mr. White been together that night lrinking?—A. Well, we were together the entire evening.
Q. The entire evening?—A. Yes, sir.
Q. Drinking all the evening?—A. Well, not right along. We vere in and out of the hotel and in and out of the bar.
Q. Drinking pretty constantly?—A. Awhile we were; yes, off nd on.
Q. Were you gentlemanly drunk?—A. I don't know. I had been lrinking; yes, sir; I wasn't drunk, though, what you would call lrunk. I have seen men intoxicated.
Q. Was Mr. Browne drunker than you, or not so drunk?—A. Mr. Browne wasn't with us.
Q. I mean Mr. White.—A. He was drunker than I was; yes.
Q. Mr. White was even drunker than you were, was he?—A. Yes; ie was. He got in an altercation with some fellow at the bar there, nd I got him out of it. That is when Mr. Stermer joined us, and ie helped me get him away. We sat down in one of the booths then; hat is the time Mr. Stermer came.

Q. He was very drunk, and you were reasonably drunk?—A. Yes, sir.

Senator BURROWS. You are sober now, I take it?—A. Yes, sir.

Senator BURROWS. That is all.

The WITNESS. Am I dismissed now? I would like to go.

Senator BURROWS. Will you want this witness again?

Judge HANECY. I don't; no, Mr. Chairman.

Senator BURROWS. Will you, Mr. Austrian?

Mr. AUSTRIAN. No.

Judge HANECY. Mr. Chairman, that is all of the testimony I have here to-night, but I want to offer the files of the Chicago Tribune. I do not want all of them, but the charge has been made here, and repeated on a number of occasions by counsel on the other side, that it has been remarkable, that it was a remarkable occurrence, that William Lorimer should spring up as a candidate on the 24th, 25th, or 26th, and then be voted for by men who had never voted for a Republican candidate before; that he had never been known as a candidate prior to that time. This honorable committee refused to permit Mr. Clifford W. Barnes, who made the charges in this case——

Senator GAMBLE. Refused to what?

Judge HANECY. I beg your pardon. The committee said Mr. Barnes, I think, or intimated that Mr. Barnes might appear here with counsel. Mr. Barnes has stated to the committee that he was not prepared; he hadn't any evidence, and was not prepared to sustain the charges that he made and swore to, which were filed in the Senate, and he asked to be relieved of that, and asked the Tribune be permitted to come here and defend; and Mr. Austrian has said that he represents the Chicago Tribune, and the Chicago Tribune is here with its counsel on these charges. It is the Tribune's counsel who has made the charges of the remarkable condition here, and asks this committee to draw the inference that money was paid, or some valuable consideration paid for votes for Senator Lorimer, because Senator Lorimer was not a candidate—or William Lorimer was not a candidate for United States Senator—until the 25th or 26th of May, the day he was voted for, or the day, or possibly two days, before.

Mr. AUSTRIAN. Just a moment.

Judge HANECY. I am not through yet.

Mr. AUSTRIAN. I know you are not through, but I object to reading into the record——

Judge HANECY. May I proceed? I am not reading.

Mr. AUSTRIAN. If counsel want to be sworn or some one wants to be sworn I haven't any objection, but I do object to the going into the record of what some newspaper said, or what is in the files of some newspaper, until we have some one under oath to prove it, that is all. I never asked you to draw any inferences on any testimony. This is not the time to ask anyone to draw inferences.

Judge HANECY. I am not asking, Mr. Chairman and gentlemen, that any credit be given to any statement in the paper.

Senator FRAZIER. What is it you offer, Judge, I didn't catch it?

Judge HANECY. I want to have a subpœna for the custodian of the files of the Tribune in the public library, for the purpose of introducing certain parts of that book.

Mr. AUSTRIAN. He can get a subpœna without making a speech about it.

Senator BURROWS. Let us know what he desires, what the Judge lesires us to do.

Judge HANECY. I do not want this honorable committee to say I hould have told them what it was in advance. I am telling this ommittee now what I want from those files. I want from the files, ommencing May 5 and May 6, 1909, from that down to the 26th——

Senator BURROWS. What for; what is the object of it?

Judge HANECY. For the purpose of showing that William Lorimer lid not spring up as a candidate the day he was elected, or the day efore, and that it was not talked for the first time——

Senator FRAZIER. Would the statements of the newspaper be com-etent evidence to prove that or any other fact?

Judge HANECY. They would be competent as against the man——

Senator FRAZIER. If it is a fact he was a candidate, you could bring eople to show that fact.

Judge HANECY. If I may be permitted, Senator Frazier, to answer our main question. They would be evidence against the publisher f that newspaper, who is sitting here, and who is permitted to come ere, by his counsel, and make these charges, and ask this committee o draw the inferences of improper conduct and purchasing of votes, ecause of the fact that William Lorimer was not a candidate and ot known as such until the day that he was elected, or a day or two efore. Now, it is true, and I am not going to attempt to contro-ert it, that the publications of a newspaper should not be given redit as testimony, except as to the parties that publish it. It is ne Chicago Tribune here that is making these charges. And if I as permitted to tell what took place in an executive session here, could draw other inferences, but I appeal to the memory of the iembers of this committee, who were present here on these occasions, o show why it was, why I am making this offer, and to show that nis committee was asked to draw that inference from the fact that e sprang up as a candidate, without any notice, and that it was a emarkable condition, it was a remarkable condition, that he should ome into the joint session, and then have 53 Democrats and 55 Re-ublicans vote for him. That was the statement that was made here, nd the question was asked if it was presumed that every Democrat ho voted for William Lorimer had been purchased, and if infer-nce was to be drawn that because a Democrat did vote for him, that e was purchased. It was then stated by counsel on the other side nat it was a remarkable condition that he should spring up at that me; it was a suspicious circumstance.

Senator BURROWS. Judge, does not the journal of the joint sessions ow that Mr. Lorimer was voted for on days previous to that time?

Judge HANECY. Only a few days previous, Mr. Chairman.

Mr. AUSTRIAN. No; it shows he was voted for the first time on the th day of May, 1909.

Senator BURROWS. My recollection is the journal shows that he as voted for and had one vote.

Judge HANECY. That is right, Mr. Chairman, but on the 5th of ay, before he was ever voted for, the Chicago Tribune, in its news lumns and editorially, proclaimed him as a candidate, and reported at fact.

Senator BURROWS. Suppose it did, how does that affect the ques-on?

Judge HANECY. It would not affect it at all, Mr. Chairman, if it was not for the argument that was made here, and if that argument is to be presented, and it has been listened to.

Senator BURROWS. Well, the committee will be able to weigh all the arguments, I think, pro and con.

Judge HANECY. But here are the facts, Mr. Chairman. Here is the statement by the party who has counsel come here and make that argument and ask this committee to make the deduction from it that improper means were used. Now, if this honorable committee does not care to hear it, I do not care to persist in urging it, but I want to make the offer here so that the record will show that we are not concealing anything from this committee; that we are not asking that the declarations of this Chicago Tribune, the prosecutor of these charges, proclaimed at the time, as early as the 5th of May, 1909, that William Lorimer was a candidate and was likely to be elected United States Senator.

Senator BURROWS. Have you there, Judge, what you propose to show?

Judge HANECY. I have not, Mr. Chairman. I have the dates, the issues; on the 5th of May.

Mr. AUSTRIAN. Mr. Chairman, I will stipulatt with counsel that everything written by the Chicago Tribune with reference to Mr. Lorimer and the senatorial election of Mr. Lorimer, may go into the record.

Judge HANECY. I only want that data relative to this matter of the election of Mr. Lorimer.

Senator GAMBLE. Is it to be presumed, I ask, that because 53, as I understand, Democrats of the legislature voted for Senator Lorimer in his election, that the presumption should rest against them that they did it through improper motives or that they were corrupted?

Judge HANECY. It can not well be in any judicial tribunal or any tribunal that has a discretion to hear and determine. But that is the charge and the charges themselves refute the charge that is openly made here. I am not going to persist in having it go in, but I want this honorable committee to know what this honorable newspaper has said on previous occasions about his candidacy, commencing on the 5th of May.

Senator BURROWS. Well, Judge, the committee does not think that is proper.

Judge HANECY. Very well, Mr. Chairman.

Senator BURROWS. It does not throw any light on the main question, on the question we are trying.

Judge HANECY. All I desire to do is to make the offer and then if this honorable committee desires to use it we will produce the file or they can be produced and examined by the committee.

Senator BURROWS. I think it will not be necessary.

Judge HANECY. That is all the witnesses I have here now, Mr. Chairman. I may have one or two to-morrow.

Senator BURROWS. You have none others to-day?

Judge HANECY. I have none others here to-day.

Senator BURROWS. Is Mr. Curran here? I have lost track of that.

Judge HANECY. I have lost track of that, too, because I have lost the data and am not prepared with that.

Senator BURROWS. Is there any other witness?

Mr. AUSTRIAN. I have no more witnesses until they close, Mr. Chairman, and then I do not know whether I will have any.

Senator FRAZIER. Mr. Broderick and Mr. Wilson.

Mr. AUSTRIAN. Yes; Broderick and Wilson, but I don't know whether I will have any at that time or not.

Senator BURROWS. The committee will stand adjourned until to-morrow at 10 o'clock.

(Thereupon the committee adjourned until to-morrow morning at 10 o'clock.)

THURSDAY, OCTOBER 6, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. the committee met pursuant to adjournment.

The following members of the subcommittee were present: Hon. J. C. Burrows, chairman; Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. Thomas H. Paynter, Hon. Joseph F. Johnston, and Hon. James B. Frazier.

Senator BURROWS. The committee will now be in order. Is Mr. Broderick present?

John Broderick, recalled as a witness herein, having been first duly sworn, testified as follows:

Judge HANECY. Mr. Chairman, may I examine Mr. Broderick? I want to ask him a few questions, and the committee can say whether I can go on or not.

Mr. AUSTRIAN. I asked for a subpœna for Mr. Broderick. I have not asked the privilege of examining any witness that Judge Hanecy brought here.

Senator BURROWS. Do you object to his examining him?

Mr. AUSTRIAN. I object, sir.

Judge HANECY. This committee has said that every witness here was the committee's witness. I did not know that Mr. Austrian could have any special privilege of saying who would first examine my witness. I do this to expedite matters here and to aid in a speedy disposition of them. I desire to go right to the questions that this committee want answered, Mr. Chairman.

(Committee confers out of the hearing of the reporter.)

Senator BURROWS. You may proceed.

Judge HANECY. Mr. Broderick, what is your full name?—A. John Broderick.

Q. What is your business or occupation?—A. Saloon keeper.

Q. Are you a state senator of the State of Illinois?—A. Yes, sir.

Q. How long have you been such?—A. I first got elected in 1898, and I served the forty-first and forty-second, and then the next term did not run, and then I got reelected; I got elected to the forty-fifth, and then the forty-sixth.

Q. The term of senator in this State is four years?—A. Yes, sir.

Q. How many terms have you been elected?—A. I have been elected twice.

Q. Have you been renominated at the recent primaries?—A. Yes, sir.

Q. For election at the November election?—A. Yes, sir.

Q. You were a member of the forty-sixth general assembly of Illinois, were you?—A. Yes, sir.

Q. Do you know D. W. Holstlaw?—A. I do, sir.

Q. And did you know him during the session of the forty-sixth general assembly?—A. I did, sir.

Q. Did you have a talk with Senator Holstlaw on the night of the 26th of May, 1909?—A. I don't recollect that I did. I might have talked to him, but I don't remember that.

Q. Did you say to Senator Holstlaw, on the evening of the 25th of May, 1909, on the sidewalk in front of the St. Nicholas Hotel, in Springfield——A. No, sir.

Q. (Continuing.) "We are going to elect Mr. Lorimer to-morrow, aren't we?" And did Mr. Holstlaw say to you: "Yes; I thought we were, and that I intended to vote for him."—A. I don't remember meeting Mr. Holstlaw in front of the St. Nicholas Hotel, nor do I remember of any conversation taking place of that kind that night.

Q. And did you say to Mr. Holstlaw on that occasion: "There is $2,500 for you?"—A. I am positive that did not take place.

Senator BURROWS. What is the answer?

The WITNESS. No, sir.

Judge HANECY. You are positive that did not take place?—A. I am positive that did not take place; I may have talked to him, but I don't remember. I can not recollect whether I talked to him or not on the night before, because they were talking and mixing up, back and forth.

Senator BURROWS. That conversation did not occur?—A. Not at all.

Judge HANECY. Did you ever say to Senator D. W. Holstlaw, at that time or at any time, at any place, that there would be $2,500 in it for him if he voted for Lorimer, or in connection with his voting for Lorimer, or in connection with any statement that he would or might vote for William Lorimer for United States Senator?—A. No, sir.

Q. Did you see Senator Holstlaw in Chicago in June, about June 16 or 17, 1909? On or about that time, did you see him?—A. I seen Mr. Holstlaw in Chicago, but as to the time I would not be sure.

Q. Well, did you see him during the month of June, 1909?—A. I think it was about the month of June I met him in Chicago.

Q. Did you ever see him in Chicago more than once during the month of June, 1909?—A. Not that I can remember.

Q. Did you ever see him at your place of business more than once during the month of June, 1909?—A. No, sir.

Q. On that occasion did you take Mr. Senator Holstlaw into your office, off your saloon or connected with your saloon, and hand him $2,500?—A. I did not, sir.

Q. Did you, on that occasion, or any other occasion, at that place or any other place, ever give Senator Holstlaw $2,500?—A. No, sir I did not.

Q. Did you, at that place or any other place, at any time, ever give Senator Holstlaw any money?—A. No, sir.

Q. Did you see Senator Holstlaw, after that, in Chicago, at your place of business?—A. I never remember of meeting him at Chicago at my place of business but on one occasion, and I think that was in the month of June.

Q. Did you ever at any time, at your place of business, or any other place, or at any other time, give Senator Holstlaw $700 in money?—

A. I never had any financial transaction with Senator Holstlaw of any kind.

Q. Well, did you give him $700?—A. I did not, sir.

Q. Did you ever intimate to Senator Holstlaw that you would give him $2,500, or any other sum of money or any other thing of value, in connection, remotely, with the election or the proposed election of William Lorimer for United States Senator?—A. No, sir.

Q. Did you ever give anyone else money for voting for William Lorimer for United States Senator?—A. No, sir; I did not.

Q. Any time or place?—A. No.

Senator BURROWS. What was that question?

Judge HANECY. Did he ever give anybody——

Senator BURROWS. Oh, yes.

Judge HANECY. Did you vote for William Lorimer for United States Senator?—A. I did, sir.

Q. Why?—A. Why, because Lorimer has been a friend of mine for a good many years; besides, I am affiliated with a lot of his friends that are good friends of mine.

Q. Did you vote for William Lorimer for United States Senator because of any money or other thing of value that was offered to you, or given to you, or offered to you, or that you understood, or believed, or thought would be given to you?—A. No, sir.

Q. Did you ever get any money or other thing of value?—A. No, sir.

Q. (Continued.) At any time or any place, because you had voted for William Lorimer for United States Senator, or in connection with your voting for him, in any way?—A. No, sir.

Q. Did you ever say to Senator Holstlaw on the sidewalk in front of the St. Nicholas Hotel, on the afternoon or evening of the 25th of May, 1909, or at any other time or place, in a conversation in relation to the possible or probable election of William Lorimer for United States Senator, that "there is $2,500 for you if you want to vote that way," meaning for Lorimer? Did you ever say that to Senator Holstlaw?—A. No, sir.

Q. Did you ever say that, or that in substance, or anything like it?—A. No, sir; I did not.

Judge HANECY. I think that is all, Mr. Chairman.

Examination by Mr. AUSTRIAN:

Q. Mr. Broderick, how old are you?—A. Forty-five past.

Q. Where were you born?—A. Ireland.

Q. When did you come to the city of Chicago?—A. I came here in '81.

Q. You have been here since 1881?—A. Yes, sir.

Q. What business are you now engaged in?—A. Liquor business.

Q. You mean a saloon?—A. Yes, sir.

Q. How long have you been engaged in the saloon business in the city of Chicago?—A. About seventeen years.

Q. Other than being in the legislature, as indicated by you, your entire occupation has been that of a saloon keeper in the city of Chicago?—A. For that length of time, seventeen years.

Q. Seventeen years?—A. Yes.

Senator BURROWS. Mr. Witness, you would accommodate the committee if you would speak louder, so that we can hear you.—A. All right, Mr. Chairman, I will.

Mr. AUSTRIAN. Mr. Broderick, have you been active in politics in the city of Chicago in the last seventeen years?—A. Some.

Q. You have been quite active, haven't you?—A. I have always helped my friends if I could.

Q. What ward do you live in?—A. The eighteenth.

Q. You have lived in that ward for some time?—A. Ever since—you might say ever since I came to Chicago.

Q. You are a Democrat, are you not?—A. I am, sir.

Q. You were elected to the Illinois legislature, the lower house, as a Democrat?—A. The upper house.

Q. I mean the upper house.—A. Yes.

Q. As a Democrat?—A. Yes.

Q. Each time you were elected; is that correct?—A. Yes, sir.

Q. Prior to the 26th of May, 1909, did you vote for William Lorimer for United States Senator?—A. What is that question?

Mr. AUSTRIAN. Read it.

(Question read.)

A. No, sir; I did not.

Q. Mr. Broderick, were you active in the interests of Mr. Lorimer—that is, in furthering his election as United States Senator at Springfield—during the month of May, 1909?—A. Not very.

Q. Did you ask anyone to vote for Mr. Lorimer immediately prior to Mr. Lorimer's election on the 26th of May, 1909?—A. I would not say I asked anybody to vote for him; I might ask them if they were going to vote for Lorimer, or something to that effect.

Q. You will tell this committee you did not, so far as you now recollect, ask any member of the house or the senate to vote for Mr. Lorimer; is that correct?—A. No, sir; I did not.

Q. That is, you were not sufficiently interested in his candidacy to solicit votes for him; is that correct?—A. Well, I talked along, always explaining I was going to vote for Lorimer if the opportunity presented itself, and there were a great many others who were just as anxious to vote for Lorimer as I was.

Q. I am asking you if you were sufficiently interested in his candidacy to ask people, ask men, or try to influence men to vote for him?—A. Not a great deal.

Q. Speak louder.—A. No.

Mr. AUSTRIAN. That is your answer. Now, Mr. Broderick, Mr. Holstlaw was a Republican member of the senate?—A. No, sir; I thought he was a Democrat.

Q. He was Democrat?—A. He was elected as a Democrat.

Q. Prior to the 26th of May he had not voted for Mr. Lorimer, had he?—A. I don't know.

Q. Were you well acquainted with Mr. Holstlaw?—A. Well, yes; although I never met him until the beginning of the forty-sixth session.

Q. Were you intimate with him?—A. We got fairly well acquainted during that time.

Q. Did you ever associate with him?—A. Not a great deal, any more than while we were up in the——

Q. Senate chamber?—A. Senate chamber.

Q. You would pass the word of "good day" to him?—A. Yes; I sat down and talked with him sometimes; we stopped at the same hotel.

Q. The St. Nicholas Hotel?—A. Yes.

Q. That is where almost all of the members of the legislature stopped?—A. Yes, sir.

Q. But he was not one of your chums or companions down there, was he?—A. No; I would not say he was.

Q. Did you ever have any occasion to call on him or have him call upon you after the legislature had adjourned?—A. Did I ever have any? No, sir; I never did.

Q. You had no business relations with him——A. No, sir.

Q. (Continuing.) That would bring you together at all?—A. No, sir.

Q. Did you ever write to him to call on you?

Mr. DAWSON. I object to the question, and, Mr. Broderick, I advise you not to answer it.

The WITNESS. I refuse to answer——

Mr. AUSTRIAN. Wait a minute; I object to counsel interpolating any objection.

Senator BURROWS. It is purely a personal privilege and counsel can not direct the witness. If he desires to avail himself of the constitutional privilege, it is a matter for him to determine and not for counsel.

Mr. DAWSON. May I ask the chair a question? May I make a statement to the chairman and members of the committee——

Mr. AUSTRIAN. I submit that this witness has taken the stand and has undertaken to testify in response to questions put by Judge Hanecy, and I submit that now I should have the privilege of asking this witness questions, cross-examining him without his being educated in any way by his personal counsel.

Senator BURROWS. The committee has passed on that and there is no occasion for any discussion.

Mr. DAWSON. I do not desire to enter into any discussion with anybody at all, but simply as counsel for Mr. Broderick I would like to make a statement and explain. May I be permitted to do so?

Senator BURROWS. Yes; briefly.

Mr. AUSTRIAN. May I request——

Mr. DAWSON. I understand that I have the permission of the chairman——

Mr. AUSTRIAN. May I make the request that the witness be withdrawn and sent to the witness room?

Senator BURROWS. That is proper. You may retire to the room for the witnesses, please, Mr. Broderick.

(Witness thereupon left the room.)

Mr. DAWSON. As I stated before, Mr. Chairman and gentlemen of the committee, I appeared in the first instance and I appear here this morning as one of the counsel for Mr. Broderick. I appear here at his request, and I want to suggest in appearing here that I do not come here to embarrass this inquiry in any phase of it. However, I thought I had the right to be present at a hearing of this character as counsel for Senator Broderick under the provisions of the Constitution of the United States, which permit a man the right to have counsel in a proceeding which might affect his life, liberty, or property.

I contend, Mr. Chairman, most respectfully that an inquiry of this kind and of this character, with respect to the man I represent, is a matter respecting one of his constitutional rights, that of personal liberty. And I stated here before that I was one of the counsel, and yesterday I got the permission of this committee to have the proceedings here postponed until I could advise and consult with other gentlemen who will represent Mr. Broderick in the case at Springfield, Sangamon County, where he is brought to the bar of justice of the State of Illinois; and I did so, and I consulted with Mr. Broderick and conveyed to him their advice, and gave him advice.

He asked me to be with him here this morning and to serve any and all rights that he might have under the Constitution of the United States. I thought that I was not interfering with any rules of this committee. It had not been indicated to me at times previous to the present that my appearance here would be objectionable in any way, and I now hope that that position will not be taken by this body this morning.

My sole purpose in appearing here is to protect the rights of my client, Mr. Broderick. I am a sworn officer of the State of Illinois, a practicing attorney here, and my first duty is to him above everything else. The matters, in my judgment, as indicated by the inquiry here may be gone into in violation of his rights under the Constitution of the United States, and I contend, Mr. Chairman, and insist most respectfully, that Mr. Broderick has the right to have me here, and that I have the right to be here and advise with him and consult with him, and to use my best judgment as his attorney in reference to the questions that are propounded to him.

If there is any particular method which you gentlemen want me to follow, I will respectfully do so, and I will be glad to do it in any way you may indicate, and I am only doing what I attempt to do here in the interests of my client, and if it interferes with your method of procedure I am sorry, and I will conform to any rules you may lay down relative to the performance of my duties in the matters that I have indicated, but I think that I should be permitted to do what I have stated here, by my advice and counsel, telling Mr. Broderick as these things come up. I don't know what questions may be propounded, but I think that Mr. Broderick has the right, under the Constitution, in a measure not to substitute his judgment entirely—to substitute mine for his own—but that I might have some method of talking over each question with him, if he desires to have it.

Senator BURROWS. Of course, you understand no objection is being made to your presence. The objection made is to your answering for the witness and claiming his privilege. That is believed by the committee to be his personal right, a personal right belonging to him. There would be no objection, of course, to your consulting with the witness, but the objection must come from the witness and not from his attorney.

Mr. DAWSON. Very well, Mr. Chairman.

Senator BURROWS. Is that right?

Senator PAYNTER. Yes.

Mr. DAWSON. Well, we will have the privilege, so that if he desires, he can turn to me and have counsel or advice as to whether he shall answer or not. Am I correct in that?

Senator BURROWS. You have the right to consult with him; but e must avail himself of the constitutional privilege, if he desires to xercise it.

Senator JOHNSTON. I think, perhaps, he ought to be authorized to nform his clients of the ruling of the committee.

Mr. AUSTRIAN. I submit that the chair ought to direct the witness hat his rights are; that is the usual procedure.

Mr. DAWSON. I would ask the privilege of counsel with him for a w minutes.

Senator HEYBURN. I think the witness should not be spoken to fter he is sworn, except in the presence of the committee, by any ne. It is a safe rule. If the witness might be withdrawn from the and, in order that he might be talked to, it would only be opening dangerous field of inquiry.

Mr. DAWSON. Well, I will promise this——

Senator GAMBLE. I think the witness could be instructed as to the urse of procedure by the chairman of the committee, as to the urse of procedure that he might follow.

(Committee confer out of the hearing of the reporter.)

Senator BURROWS. Mr. Bumphrey, have the witness come in, Mr. roderick.

(And thereupon the witness, Mr. Broderick, returned into the mmittee room.)

Senator PAYNTER. After consultation the committee conclude that may facilitate the early disposition of this matter by stating briefly conclusions as to the rights of witnesses under the circumstances. f course we are proceeding under an order of the Senate. There is statute that regulates our duty with reference to questions that may ise, as has been suggested by the statement of counsel, and the titude of the witness. A witness may refuse to answer a question, d when he does so he does it at his peril. He takes the risk. If it a question that he should answer, has no right to refuse to answer, en we could report the facts to the Senate, and the Senate could ke such action as it pleases, and in the event that the Senate thought at the question should be answered, then an indictment might be urned against the witness, and he might be fined, I think, not er $1,000 and by imprisonment for a certain time—I do not remem- r the statute; I think, though, from six months to a year. Of course, the witness gives as a reason for refusing to answer that the answer uld tend to incriminate him, and this committee and the Senate uld take the view of it that he had the constitutional right to use, then he would, of course, incur no penalty. But if, as I first ted, if the question is asked and he refuses to answer, whether he es a reason for it or not, if it should be answered, then he incurs— takes the risk of incurring the penalty. Is there anything else? This statement is made for the purpose, thinking perhaps that we ght avoid constant consultation of the witness with counsel, but, nderstand, as Senator Burrows announced a moment ago, if the tness wants to consult his counsel he has got a right to do it after clining to answer or taking time to determine.

Senator JOHNSTON. That is, when a question is asked the witness d he has a doubt whether he should answer by reason of some pro- dings against him, he may consult his counsel as to whether he uld answer or not.

The WITNESS. Mr. Chairman and gentlemen of the committee, there won't be any difficulty in getting me to answer every question that is put to me until he puts one to me that might interfere with my defense when my trial comes off.

Senator GAMBLE. Might it not be well to show affirmatively in the record, in connection with the testimony of the witness the matter of that indictment pending against him in Sangamon County?

Senator PAYNTER. I may add here, so you will fully understand the position of the committee. It is not in the power of the committee to punish a witness for contempt; all the committee can do is to report the facts to the Senate, and then it will be determined.

Mr. DAWSON. Permit me to make a little statement, Mr. Chairman, at this time.

Senator BURROWS. Certainly.

Mr. DAWSON. In view of the committee's statement as to their position, I would like to have an opportunity of conferring with my client for a few moments, to see if he thoroughly understands the position which he takes.

Senator PAYNTER. How long would it take you, Senator?

Mr. DAWSON. It would not take me very long. I want to say this, Mr. Chairman——

Senator PAYNTER. Can you do it in five minutes?

Mr. DAWSON. Five minutes, yes; I might differ with the construction of the powers of the committee——

Senator BURROWS. Well, you take the witness; you can get through your conference with him in five minutes?

Mr. DAWSON. Yes, sir.

Senator BURROWS. Certainly I do not think the committee would consent, as questions are asked, that he should have a consultation with his attorney before he answers. We can not have that. You can advise him as you see fit and then the witness will go on with the examination. We will give you five minutes to consult with him.

Mr. DAWSON. Mr. Chairman, I have no desire to embarrass the committee in any way. I just want to understand myself and have my client understand just how you want us to proceed to protect our rights.

Senator BURROWS. Well, you understand the attitude of the committee.

Mr. DAWSON. I do not. I would like to put one question to you as chairman of the committee, How he would indicate when a question is asked, whether he wants my advice as counsel. I do not want to object for him; I do not want to do anything you do not want me to do; I simply want to preserve his rights in every way I should in the performance of my duty.

Senator BURROWS. In view of Senator Paynter's statement, I think the witness understands exactly his privileges and his rights.

Mr. DAWSON. Well, I am not so sure about that, it may be, but then, I would like to advise with him to see whether he does or not.

Judge HANECY. Mr. Chairman, before that is done, may I suggest the Constitution of the United States, the fourth and fifth amendments, provide that no witness shall be compelled to furnish evidence against himself. I wanted to know whether that was included in the instruction.

Senator BURROWS. There can be no question about that, Judge.

Senator PAYNTER. Judge——

Judge HANECY. Well, there is a difference, Mr. Chairman. It has been clearly defined in the courts, in different cases, no man can be compelled to furnish testimony against himself.

Senator PAYNTER. Judge, if you understood my statement, we do not claim the power to compel him to answer any question, but he must determine for himself, independent of counsel, or with the advice of counsel, as to whether or not he wants to answer that question. It is for him to determine; but I say he takes the risk of improperly refusing to answer the question.

Judge HANECY. The only reason, Mr. Chairman and gentlemen, that I suggest this, is that I understood that the witness would be compelled to say, in order to avail himself of his rights, that he refused to answer because it would incriminate himself, I respectfully submit that is not the law; that is the law in respect to certain matters. But it is also true, and I wanted to know if that had been considered by the committee——

Senator PAYNTER. He can give any reason that he thinks is a proper one and it will be determined hereafter whether or not he gave a good reason.

Judge HANECY. That is all right.

(The witness, Mr. Broderick, and his counsel, Mr. Dawson, then retired from the room for the purpose of consultation.)

Mr. AUSTRIAN. While we have the intermission——

(The witness and his counsel here returned to the room after a short absence.)

Senator BURROWS. Mr. Austrian, will you proceed?

Mr. AUSTRIAN. Will you read my last question?

Judge HANECY. Will you show, what some of this honorable committee has suggested, formerly in the record, that there is an indictment pending against this witness? I know it was informally presented to the committee, and I know that one of this honorable committee asked for a copy of the indictment and it was handed to him, but I do not think the record shows it.

Senator BURROWS. Any objection to the record showing he was indicted?

Mr. AUSTRIAN. I object to the whole indictment going on record; I have no objection to a statement.

Senator GAMBLE. The only thought I had was to show affirmatively, briefly, in connection with the testimony, the fact of his indictment.

Senator BURROWS. Is there any question but what this is the indictment?

Mr. AUSTRIAN. I should say not; I have not any question about it.

Judge HANECY. I haven't any desire to put in the whole indictment and I haven't any objection to anybody looking at it and I haven't any objection to it going in, if anybody wants it.

Senator JOHNSTON. It seems to me it simply should be shown what the indictment charges; the indictment charges certain things.

Judge HANECY. Yes, Mr. Chairman.

Senator JOHNSTON. Let that go into the record and not the formal parts of it.

Judge HANECY. Shall I proceed?

Senator PAYNTER. I would like to ask a question. It is agreed, I suppose, that the statute that is mentioned here announces a penalty against a man for bribing another for voting in the legislature?

Judge HANECY. Yes; the statute does.

Senator PAYNTER. The statute has been incorporated in the record?

Mr. AUSTRIAN. Yes.

Senator BURROWS. From what counsel has said, does this indictment appear in the proceeding?

Judge HANECY. This indictment does not appear at all.

Senator BURROWS. It is an indictment against Mr. Broderick. Do the counsel object to the indictment going in?

Mr. AUSTRIAN. I just wanted the statement in, instead of taking 25 or 50 pages. Counsel may make a statement that the indictment was returned such and such a date in Sangamon County, Ill., against the witness Broderick.

Senator PAYNTER. It will take but little time to make the indictment a part of the record.

Mr. AUSTRIAN. I have no objection to the indictment.

Judge HANECY. Then this indictment is offered.

Senator BURROWS. If there is no objection, let the indictment go into the record; that will disclose exactly what it is.

[Exhibit 1y consists of an indictment found by the grand jury of Sangamon County, Ill., containing 18 counts, each count charging John Broderick with bribing Daniel W. Holstlaw to vote for William Lorimer for the office of Senator of the United States for the State of Illinois.]

Judge HANECY. You are the same John Broderick?

Mr. AUSTRIAN. We agree to that; he is the same Broderick mentioned in the indictment.

Judge HANECY. Mentioned in the indictment. And that case is still pending and undetermined?

Mr. AUSTRIAN. We agree to that.

Judge HANECY. And the Holtslaw mentioned in that indictment is the same Holtslaw who was a member of the forty-sixth general assembly and the same man who testified here?

Mr. AUSTRIAN. We agree to that.

Senator BURROWS. Will you mark that as an exhibit, Miss Lawler?

Senator HEYBURN. Has he been arraigned?

Judge HANECY. There has been a motion to quash.

Mr. DAWSON. He has not been arraigned.

Judge HANECY. They do not arraign them in this State.

Senator HEYBURN. I only wanted the fact shown that he either has or has not pleaded to it.

Judge HANECY. This is only a copy of the indictment and not the whole of the record.

Senator BURROWS. Now proceed.

Mr. AUSTRIAN. Will you read the last question?

(Question read, as follows:)

Q. Did you ever write to him to call on you?

Mr. AUSTRIAN. By "him" I mean D. W. Holtslaw, of Iuka, whom you have heretofore referred to?—A. I refuse to answer.

Q. On what ground do you refuse to answer?—A. On the ground that I would be compelled to give testimony against myself.

Q. In other words, you mean——

Senator HEYBURN. I suggest, Mr. Chairman, that no cross-examination be on that; that ends that controversy.

Mr. AUSTRIAN. Yes.

Q. Mr. Broderick, did you ever have any occasion to write to Mr. D. W. Holtslaw in the month of August to call upon you?—A. I refuse to answer on the same ground as I said before.

Q. On what ground?—A. On the same ground as I stated before.

Q. On what ground do you refer to?—A. That I might be compelled to give testimony against myself.

Q. Mr. Broderick, when did Mr. Holtslaw come to see you?—A. Well, I don't exactly remember the date, but he was in my place when I came in there.

Senator BURROWS. Witness, will you speak a little louder?

The WITNESS. All right.

Mr. AUSTRIAN. Had he come in response to any invitation from you to him?—A. I refuse to answer.

Q. Had you any business with Holtslaw which would compel you to invite him or ask him to call upon you?—A. Repeat that again.

Q. Strike it out. Did you have any business with him which would necessitate his calling on you in the month of June or July?—A. No, sir.

Q. 1909?—A. No, sir.

Q. No business whatsoever?—A. No, sir.

Q. If he came to see you during the month of June or July, 1909, did he come on his own volition or at your request?

Judge HANECY. That is objected to, Mr. Chairman.—A. I refuse to answer; that is the same question all the time.

Senator BURROWS. He refuses to answer.

Judge HANECY. The reason I objected, Mr. Chairman, was that I assumed the counsel would not be permitted to repeat in the same form or the substance or substantially the same form, questions which this committtee had ruled he was not required to answer, and which the law establishes, too.

Senator FRAZIER. This committee has not made any such ruling; this committee has not ruled that he is not required to answer anything; he does that at his peril.

Judge HANECY. That is right; I understand that, but this committee has ruled that he need not answer, but if he does not it is at his peril; that is the law, and the law is that when he has answered the question the question is not open for discussion by any court or tribunal. He is the sole judge, as the Supreme Court of the United States has said in the Counselman and Hitchcock case, and as Chief Justice Marshall of the United States Supreme Court said in a much earlier decision.

Senator HEYBURN. I would suggest that the questions may be asked with the same liberality as they might be asked were they answered.

Senator FRAZIER. Precisely.

Senator HEYBURN. The fact that they are not answered does not limit the questioning.

Senator BURROWS. Proceed, Mr. Austrian.

Mr. AUSTRIAN. Mr. Broderick, how many times was D. W. Holtslaw in your place of business?—A. I never knew him in there but once.

Q. Will you say he was not there in the month of July?—A. He might have been there several times and me not see him.

Senator BURROWS. Mr. Broderick, it is utterly impossible to hear a word you say. You must have a good voice, I should judge from your physique.

By Mr. AUSTRIAN:

Q. Will you say that you did not see him in the month of July, 1909, in your place of business?—A. No, sir; I did not see him in the month of July.

Q. Will you say that you did or did not see him——A. I——

Q. What were you going to say?—A. I answered the question.

Q. Will you say that you did or did not see him in the month of June, 1909, in your place of business?—A. I will not say that because I think it was about the month of June that he came up there.

Q. What is your best recollection as to the date, the time in June?—A. What do you mean, the date or hour?

Q. Yes; the date?—A. I couldn't really tell you.

Q. Was it in the morning, afternoon, or evening?—A. It was in the forenoon.

Q. And you were at your place of business then were you?—A. I was; yes, sir—no; I wasn't. I came in there and he was in there when I came in.

Q. What time did you come in?—A. I presume about half past 10, around there.

Q. Mr. Broderick, did you ever have any financial transaction with Mr. Holtslaw of any kind whatsoever?—A. No, sir.

Q. Were you ever indebted to him?—A. No, sir.

Q. Was he ever indebted to you?—A. No, sir.

Q. Did he ever give you a note or obligation of his of any kind?—No, sir.

Q. Or a receipt?—A. No, sir.

Q. When, for the first time, did you ever talk to Mr. Holtslaw with reference to the election of United States Senator?—A. I don't remember of ever talking to him over the United States Senator; that is, I presume we talked, but I don't know just exactly what the remarks that we made; I presume to the extent the remark would be like this, "Well, it looks like Lorimer would be elected."

Q. What did he say?—A. He was in keeping with the election of Lorimer so far as I could learn.

Q. What did he say?—A. Well, now, I couldn't exactly tell you what he said.

Q. Give us your best recollection of the subject of the conversation you had with him on this subject.—A. I couldn't give you the exact conversation. I just told you I couldn't remember what I said to him.

Q. Well, your best recollection as to the substance of the conversation.—A. Well, I have given also that; that was about the substance of it, "Do you think Lorimer will be elected?" One might say to the other, "Yes; I think he will; he has got a good chance."

Q. Did you tell him you were going to vote for him?—A. If the conversation took place between us I certainly did.

Q. Did he tell you he was going to vote for Lorimer?—A. I don't know whether he did or did not.

Q. Where was this conversation you have spoken of?—A. I don't know that we ever had one; I didn't say that we had one.

Q. Well, if you did have one, where was it?—A. Eh?

Q. Well, if you did have one where was it?—A. Well, that is rather a difficult question to answer.

Q. Yes; was it in the house, on the sidewalk, or in the hotel?—A. Any conversation of that kind that took place, they usually took place up in the senate chamber.

Q. Not where they usually took place. I will ask you whether or not you had any conversation with him at any time or place with reference to the election of Mr. Lorimer?—A. I can't say that I did.

Q. And you can't say that you did not?—A. No.

Q. Mr. Broderick, you stated on direct examination that you made up your mind to vote for Lorimer, if the occasion ever presented itself?—A. I did, sir.

Q. That is correct, is it?—A. Very.

Q. The occasion had presented itself long prior to the 26th of May, 1909, hadn't it?—A. Not that I know of.

Q. Well, you weren't aware that it had not?—A. What do you mean by that?

Q. Well, you didn't know that the occasion had presented itself prior to the 26th of May, 1909?—A. I didn't; no.

Q. Mr. Lorimer had been balloted for for some time before the 26th of May, 1909, had he not?—A. I think there were some votes for Lorimer for some time prior to his election; however, that is a matter the records will show; I am not very positive about that.

Q. The records show that from the 13th day of May, 1909, from time to time, Mr. Lorimer got one or more votes down to the 26th of May, 1909. Is that your recollection?—A. I presume that might be right; I am not sure.

Q. But prior to the 26th of May, 1909, although you were interested in his candidacy, you never undertook to vote for him; is that correct?—A. No, sir; I voted for a different man most every day.

Q. When did you make up your mind to vote for Lorimer on the 26th of May?—A. When did I make up my mind?

Q. Yes, sir.—A. I made it up that morning.

Q. Early?—A. I was willing to vote for Lorimer at any time he was going to let his name—that his name was going to be made.

Q. He was going to let his name?—A. Yes, sir.

Q. Then that is the first time, the 26th of May, 1909, that you were advised or understood that Lorimer was to permit his name to go before the joint assembly for United States Senator; is that correct?—A. Oh, no; that wasn't the first time that I knew he was a candidate.

Q. When did you know for the first time that you were going to vote for him on the 26th of May?—A. The first time that I knew he was going to be a candidate was possibly two or three weeks, or some short space of time, prior to his election. John M. Smythe, of John M. Smythe Furniture Company, came over to me one morning at my place of business and asked me——

Mr. AUSTRIAN. Does the committee think that is material?

Q. Then you say that about two weeks prior to the 26th of May is about the first time that you knew that Lorimer was to be a candidate

for United States Senator; is that or is it not correct?—A. Around about that time, I presume. His name had been mentioned for weeks before that, but only mentioned.

Q. But you did not ascertain that he was an avowed candidate for the place until two weeks before the 26th of May?—A. No, sir.

Q. Is that correct?—A. That is correct.

Q. Now, Mr. Broderick, you did not make up your mind to vote for him, although you were anxious to see him elected, until the morning of the 26th of May; is that right?—A. I told you I would have voted for Lorimer at any time—at any time I thought he could be put over.

Q. At any time you thought he could be put over?—A. At any time I thought he could win.

Q. But you didn't make up your mind and you didn't think or did not arrive at the conclusion that he could be put over until the morning of the 26th of May; is that right?—A. I don't know whether he could be put over prior to that or not, nor I didn't even vote for him; I didn't vote for him, either.

Q. When did you make up your mind on the 26th of May, 1909, to vote for him?—A. That morning.

Q. You were near the top weren't you?—A. I was the first on the Democratic side, but there were——

Q. Just a moment, now. You were the top, the first one whose name was called on the roll call, on the Democratic side of the senate, and the senate was called first, was it not?—A. Correct.

Q. Now, who prior to you or who before you on the Democratic side of the senate voted for Mr. Lorimer before your name was called?—A. They couldn't very well vote for him before I voted for him because they called alphabetically.

Q. You voted first?—A. I voted when it came my turn; the Republicans were ahead of me.

Q. You were the first Democratic member of the joint assembly that voted for Lorimer there?—A. I said yes; yes, sir.

Q. Now, Mr. Broderick, who informed you, if anyone, that Mr. Lorimer's name was to be voted for by Democrats on the morning of the 26th of May, 1909?—A. Mr. Lorimer himself came to me that morning and told me that he was going on, that he was going to be elected.

Q. And who told you that the Democrats were to vote for Lorimer on that day?—A. I didn't say any of them told me; none did tell me.

Q. I am asking you if anyone told you?—A. No, sir.

Q. Or if anyone told you that it was going to be put over on that day?—A. No, sir.

Q. No one?—A. No.

Q. No such conversation?—A. No, sir.

Q. How?—A. No.

Q. It was simply just that this was the morning that your vote for Lorimer would count, was it?—A. He asked me to vote for him that morning.

Q. But you had made up your mind to vote for him before?—A. I did, yes. I would have voted for him at any time.

Q. No one had asked you to vote for him before that morning had they?—A. Sir?

Q. No one had asked you to vote for him that morning?—A. I said yes.

Q. Besides the John M. Smythe Company?—A. No, sir.
Q. John M. Smythe was not a member of the legislature, was e?—A. I had been asked by a good many men to vote for Lorimer.
Q. I asked you if anyone asked you to vote for Mr. Lorimer?—. I told you Mr. Lorimer himself asked me.
Q. That was the morning of the 26th of May?—A. Yes, sir.
Q. No one knew that so far as you know?—A. I don't know what thers knew.
Q. Mr. Lorimer did not know you were going to vote for him, id he?—A. Why of course he knew I was going to vote for him.
Q. He knew that long before the 26th of May, didn't he?—A. I resume he did; yes.
Q. Now, Mr. Broderick, did you know of any financial transactions ith reference to the election of United States Senator?—A. No, sir.
Q. Never heard of any?—A. No, sir; I did not.
Q. At no time?—A. No, sir.
Q. Or place?—A. No, sir.
Q. Were you well acquainted with the situation at Springfield?—. What do you mean by that?
Q. I mean you were in close attendance all the time?—A. Why, attended as much as I could there.
Q. You never heard of Holstlaw being in your place of business t all prior to this day in June, 1909, did you?—A. No, sir; I don't ink I did, no.
Q. And Mr. Holstlaw was not a drinking man, was he?—A. I don't now.
Q. You never saw him take a drink?—A. I don't know that I did; wouldn't say I did or did not.
Q. What time do you usually go to your place of business?—A. All ie way from 9 to 10 o'clock.
Q. And you were usually how late?—A. Well, I presume until 12, ometimes later.
Q. Twelve o'clock at night?—A. Yes, sir.
Q. Mr. Broderick, the—I withdraw that. This morning of he 26th of May, 1909, the two houses met in joint session, didn't hey? You remember that, to vote for United States Senator?—. Yes, sir.
Q. The senate filed over to the house?—A. They filed over there iany mornings.
Q. You were very anxious to get away from Springfield, weren't ou?—A. Well, I was never wanting to stay there more than I ould help.
Q. You were very anxious to get away from there this morning of he 26th?—A. What do you mean?
Q. You were anxious to leave Springfield and have the joint session determine their business?—A. Not any more than I was any ther morning.
Q. Weren't the Democrats and Republicans ready to vote for almost anyone to be ready to leave Springfield and wind up the joint ession?—A. Not particularly, no.
Q. You don't know whether there was any anxiety on the part of he members of the joint house to leave Springfield?—A. I know they id not have a desire to stay there if they felt like I did.

Q. Weren't the Democrats ready to go to any good Republican or any good Democrat whom they could elect simply for the purpose of winding up the session?—A. There was one Republican that I voted for. Mr. Lorimer was the only one.

Q. I am asking you whether or not you had not heard a general discussion that the joint assembly were tired with balloting; they had been balloting since January, 1909, and they were ready to vote for anyone, any good man, Republican or Democrat, if they could just elect a United States Senator, and go home; was not there a discussion of that kind?—A. I couldn't tell you that.

Q. Will you say there was?—A. Why I should say I don't know.

Q. And you never heard that discussed down there, among your fellow Democrats, or your friends, the Republicans. Didn't you hear that discussion?—A. They were all anxious to go home.

Q. And they discussed that?—A. Not that I noticed to any extent.

Q. That was not the subject of discussion, was it?—A. It might be discussed with others.

Q. And you never heard it, though?—A. Not very much, no.

Q. It was just like any other assembly, was it, filed in and filed out, and down to business, attending to business, and then on the next day?—A. Then that was about the routine?

Q. Now, Mr. Holstlaw——A. Pardon me.

Q. No; I apologize to the other man.

Judge HANECY. There may be an affinity there.

Mr. AUSTRIAN. Now, Mr. Broderick, did you ever know of Mr. Holtslaw to be engaged in any illegal transaction at Springfield?—A. No, sir; I did not.

Q. Did you ever know of Mr. Holtslaw to be in any transaction in Springfield involving legislative matters that you were connected with?—A. No, sir; I did not.

Q. Did anyone ever give you any money to hold for Holtslaw or in which he was interested?—A. No, sir.

Q. At no time?—A. No, sir.

Q. When Mr. Holtslaw came into your place in June, 1909, on this occasion that you have referred to, what did you say to him?—A. Well, now, I forget what was said. Not any more than I suppose "Good morning" or something to that extent.

Q. You were not surprised to see him there, were you?—A. Why yes, I was surprised to see him.

Q. You were surprised to see him?—A. Some surprised; yes.

Q. You were surprised?—A. Not very much.

Q. You had never seen him in a saloon before had you?—A. I did.

Q. Where?—A. Springfield.

Q. I mean in Chicago?—A. No, sir.

Q. And you were much surprised or not very much surprised?—A. I am not surprised to find people in my place.

Q. Where is your place?—A. Halstead and Madison.

Q. How far from the Auditorium Annex, where we now are?—A. I should judge about a mile and three-quarters.

Q. How far from the court-house, the county building?—A. It is a little less than a mile.

Q. A little less than a mile?—A. Yes, sir.

Q. Is that on the south side or west side?—A. On the west side.

Q. You have to cross the river to get there?—A. You have.

Q. How far from the railroad station, from the Illinois Central Railroad station?—A. Well, that should be, I should judge, a mile and a half.

Q. Now, Mr. Broderick, when Mr. Holtslaw came in your place of business you said the word "How do you do?"—A. I presume that is what I said.

Q. Did you say "Have a drink?"—A. I don't think so.

Q. Did he take a drink?—A. Now, you are getting around to that corner again.

Q. Did he take a drink?—A. Now, Mr. Chairman, I desire to consult with my counsel, if you haven't any objection.

Q. That is the way it started out.

Senator BURROWS. That is a very simple question asked, if he took a drink.

A. Well, I will say, yes, he took a drink.

By Mr. AUSTRIAN:

Q. You will say that and don't remember whether he did or not?—A. I didn't say I don't remember.

Q. Do you remember he took a drink?—A. I do, sir.

Q. You remember he did take a drink, do you?—A. Yes, sir.

Q. And what did he drink?—A. I couldn't tell you.

Q. What did you say to him when he was taking a drink? Did you take one?—A. I don't remember.

Q. You don't remember anything about the transaction?—A. No.

Q. Did you ask him what he was there for?—A. No, sir.

Q. Did he tell you what he was there for?—A. No, sir.

Q. Did he pay for the drink?—A. That I don't remember.

Q. You don't remember anything about the occurrence at all?—A. No.

Q. How long was he in your place?—A. Possibly a half or three-quarters of an hour.

Q. That long?—A. Yes, sir.

Q. And he talked to no one but you, eh?—A. I refuse to answer.

Q. On what ground?—A. On the ground that I might give evidence or be compelled to give evidence against myself.

Q. Compelled to give evidence against yourself?—A. Yes, sir.

Q. That early in the morning your place is quite full, is it not?—A. Not all the time. I wish it was.

Q. Well, was it empty or full on this occasion?—A. I don't know; there were people in there.

Q. Always people in and out that early in the morning?—A. Yes; always people in there.

Q. If you wrote to Mr. Broderick to come and see you, did you fix that time?—A. What did you say, sir?

Q. If you wrote to Mr. Broderick to come and see you, did you fix the time?—A. Wrote to myself?

Q. I say did you write to him—Holstlaw—did you fix the time?—A. I refuse to answer.

Q. On what ground?—A. On the ground I might be compelled to give evidence against myself.

Q. What did he say to you when he came in?—A. I don't remember.

Q. You don't remember that at all, do you?—A. No.

Q. Did he ask you whether you had the money for him?—A. I don't think he did; no.

Q. What did he say?—A. Well, I told you I don't remember what he said.

Q. How do you remember that he did not ask you for the money if you don't remember what was said?—A. I know he didn't ask me; them are instances where you would remember.

Q. I beg pardon.—A. You can not very well forget about a man asking you for money, can you? I know I don't always forget it. He didn't ask me for money.

Q. He asked nothing about money, eh?—A. No.

Q. You are sure of that?—A. Yes, sir.

Q. He didn't ask you where the money was or anything pertaining to money?—A. No, sir.

Q. And now, if Mr. Holstlaw says that you gave him $2,500 in currency in large bills on the 16th of June, can you explain to this committee what object he would have in putting that on you?—A. Well, I will tell you what his object was, as far as I can.

Q. Just tell us.—A. He got indicted in Sangamon County.

Senator BURROWS. He what?—A. He got indicted down in Sangamon County. After he got indicted he got into the hands of Mr. Lorimer's enemies, I presume, and they got him into the lawyer's office. He was sent to a firm of lawyers, and, as I understand it, they forced him to making a confession. Well, he made a confession, anyway, and by making this confession implicated somebody, implicated somebody as one who had paid out or received some money in electing Mr. Lorimer. They indicted me. Now, Mr. Chairman, it was the easiest thing in the world for me to pass it on to the other fellow, but I couldn't very well afford to do that after I was indicted—pass it on to somebody who would have just as much difficulty of getting out of it as I might, who knows nothing about it. Just the same thing; the easiest thing in the world for me to pass it up to somebody else that knew just as much about it as the man who is in California.

Mr. AUSTRIAN. As much about it as you do, eh, sir?—A. As much about it as what?

Q. As you do.—A. I didn't say that, did I?

Q. I am asking you—to pass it to somebody who knew as much about it as you do?—A. Who didn't know any more about it than that.

Q. Now, Mr. Broderick, you had never had any falling out with Mr. Holstlaw, had you?—A. Not a bit.

Q. No words, no animosities, and no feeling between you?—A. Not a bit.

Q. Now, if this is the reason that you state that Holstlaw was indicted and Holstlaw wanted to pass it up to some one, why won't you tell us the object of your writing to Holstlaw, if you did write to him, to come and see you?—A. I refuse to answer the question.

Q. On what ground?—A. On the same ground I stated.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator FRAZIER. I want to ask a question.

Q. Mr. Broderick, what was Mr. Holstlaw indicted for in Sangamon County?—A. He was in the furniture deal—some furniture for the statehouse; it was desks and chairs.

Q. It had no connection, then——A. No connection whatsoever.

Q. With the election of United States Senator?—A. Not a bit.

Q. Well, how do you connect, then, his indictment—the connection of the furniture matter—with United States Senator?—A. Well, after he was indicted for perjury—after he was indicted for perjury he was taken to an attorney's office.

Q. You are stating now what you have heard?—A. It is only what I heard.

Q. It was only with respect to the purchase of some furniture for the statehouse?—A. Yes.

Q. And had no connection with the election of United States Senator?—A. Not the least.

Q. Now, you detailed, as I understand it, an alleged conversation with Mr. Holstlaw down at Springfield, and then you stated, if I do not disremember, that you was not sure you had a conversation with him. Now, will you tell us whether as a matter of fact you did have a conversation with him, in which conversation you stated, in substance, "We are going to put it over," or "put Lorimer over to-morrow?"—A. I do not remember having that conversation with Mr. Holstlaw.

Q. You do not remember whether you actually ever had that conversation or not?—A. No; I don't think I did; I am sure I did not.

Q. You are positive now you did not have that conversation?—A. No; I am sure I did not have any such conversation with Mr. Holstlaw.

Q. Did you ever discuss the election of Senator with Mr. Holstlaw?—A. I do not think I did; I do not remember that I did.

Q. You don't remember that you ever discussed with him at all?—A. Not any further than I might say "It looks," or he might say "It looks like Lorimer could be elected."

Q. Was there any caucus or gathering together of Democrats, any conferences of any kind of Democrats, about seeing whether or not there could be a combination or arrangement by which all of the Democrats or any one faction of the Democrats could be induced to vote for William Lorimer on the 26th of May or any other time?—A. There never was any gathering of that kind that I participated in or that I know of.

Q. Was there any meeting of any number of what is known as the "Browne faction" of the Democrats to talk over and agree upon a man that you could vote for other than a Democrat?—A. As far as I was concerned in the house I do not think I visited the house during all of my time in Springfield other than when we went there to vote for United States Senator.

Q. Was there any such meeting or talk among the senators?—A. No; not among the senators, that I know of.

Q. Was there, as far as you know, among the Democrats?—A. No.

Q. How did it happen, then, that everybody seemed to reach the same conclusion on the 26th of May, that you all voted for Lorimer?—A. That, I am sure, I don't know.

Q. Can you explain how all of the fifty-odd Democrats who voted for Mr. Lorimer that day reached the conclusion that that was

the time and place and day and hour to cast their votes for him if there had not been any understanding or talk or agreement about it?—A. There was no understanding that I know of.

Q. You had not attended any conference or meeting or caucus or anything?—A. No, sir.

Q. You had no conversation with anybody about it except Mr. Lorimer himself?—A. Well, it was noised around, you know, it was noised around that morning, there was an understanding, that "we are going to elect Lorimer this morning."

Q. Now, who started the "We are going to put Lorimer over." "We are going to elect him this morning." There must have been some sort of a beginning to the thing, to have gotten you to the same conclusion. How did you reach the conclusion that "We were going to do it that morning?"—A. Just as I stated before, Mr. Lorimer asked me that morning.

Senator GAMBLE. Did Senator Lorimer ask you that morning to vote for him that day?—A. Yes, sir.

By Senator FRAZIER:

Q. Did he tell you there had been any understanding that other people, other Democrats, were going to vote for him that day? Did he tell you there had been any understanding or agreement or arrangement by which——A. No, sir.

Q. By which certain people were going to vote for him?—A. No, sir.

Q. You had had no conference with anybody prior to that to determine the question that you would vote for him on that morning?—A. I had not.

Senator FRAZIER. Read that question, please.

(Question read.)

A. No, sir; I did not.

Q. When you went into the joint session had you had a conference with Senator Lorimer, or did you have it after the joint session?—A. No, sir; it was before.

Q. It was before?—A. Long before.

Q. What time that day and where?—A. Well, it was certainly after I got to the senate chamber. I went up at a quarter after 9, somewhere around there.

Q. Had you had any talk with the minority leader, Mr. Browne, with reference to voting for William Lorimer on that day?—A. I do not think I exchanged three words in my whole life with Mr. Browne while at Springfield. All the time I have been with Browne was in one of these rooms here. I never knew Mr. Browne much.

Q. Did you belong to what is known as the Browne faction?—A. We had no factions like that in the senate.

Q. Browne was the leader in the house?—A. Browne was in the house.

Q. You were not divided in the senate like they were in the house, you Democrats?—A. No, sir; there were not many of us there, and it was easy to get along.

Q. Mr. Broderick, I believe the legislature adjourned about the 4th or 5th of June.—A. I guess about that time.

Q. The record will show—merely to refresh your recollection about it. How long after that was it when Mr. Holstlaw came to

you—Mr. Holtslaw came into your place of business?—A. Well, I could not really tell you how long it was—I should judge in June, some time in the month of June.

Q. Do you recall that it was on the 16th day of June?—A. No; I do not, sir.

Q. You do not state that it was not on the 16th day of June?—A. No; I do not.

Q. Now, you have declined to answer whether you notified Mr. Holtslaw to come to your place of business?—A. Yes, sir.

Q. Whether you wrote to him or not?—A. Yes, sir.

Q. You still decline to answer that?—A. I do, sir.

Q. Did Mr. Holtslaw write to you?—A. No, sir.

Q. He did not?—A. No, sir; not that I—not that I could recall.

Q. Did Mr. Holstlaw notify you, before he came there, when he was coming?—A. No, sir.

Q. Where were you on the day Mr. Holstlaw came to your place of business, when you say he came in and you were not there, where were you at that time?—A. It happened I did not get up very early that morning. I was home.

Q. Had he been waiting for you when you came in?—A. Yes, sir.

Q. Did he want to see you about something?—A. Possibly so, a sociable call, which it was.

Q. Do you know how long he had been waiting?—A. I do not, sir.

Q. Did he say how long he had been waiting?—A. He did not, sir.

Q. Did anybody else say how long he had been waiting?—A. I do not remember that he said that.

Q. Did anybody else tell you how long he had been waiting?—A. No, sir.

Q. Have you a back office or room adjoining your place of business?—A. No, sir; a front office.

Q. You have a front office?—A. Yes, sir.

Q. Did you and Mr. Holstlaw go in that office?—A. No, sir.

Q. You did not?—A. No, sir.

Q. Where did he remain during the time, what part of your place during the entire time he was at your place of business?—A. Mostly down at the lower end of the bar.

Q. In the barroom?—A. In the barroom; yes, sir.

Q. Was anyone else present there?—A. Yes, sir.

Q. Who?—A. I refuse to answer.

Q. Why do you refuse to answer that?—A. Because I might be compelled to give testimony that would injure myself.

Q. You decline, then, to state whether anyone else was present there in your place on that day when Holstlaw was there?—A. I am willing to state that there were several people there, but you asked me who they were. That is what I am refusing to answer.

Q. You state there were several people there, but you decline to state who they were?—A. Yes, sir.

Q. Was your barkeeper there?—A. Yes, sir.

Q. Did Mr. Holstlaw go with you into your office at the time he was there?—A. No, sir.

Q. How long did he remain in your place of business?—A. I presume a half or three-quarters of an hour.

Q. A half or three-quarters of an hour?—A. A half or three-quarters of an hour.

Q. And did you go out with him when he left?—A. I did not, sir.

Q. Did you ever have any occasion to have any business dealings with Mr. Holstlaw of any kind?—A. No, sir.

Q. Did you ever have any business dealings with him?—A. No, sir; no, sir.

Q. Did you ever notify him that you wanted to see him on any business matter?—A. No, sir.

Q. Did you ever notify him that you wanted to see him on any matter?—A. No, sir; not on any matter.

Q. Not on any matter. Did you ever pay any money to any member of the legislature for any purpose?—A. Pardon me. Will you read the last question?

Q. Read the last one.—A. Not the last one, but the one before that.

(Question read as follows:)

Did you ever notify him that you wanted to see him on any matter?

The WITNESS. Well, now, that is one of the questions I refused to answer a while ago.

Q. You have already answered it.—A. I know, but I ask leave to correct that or withdraw that answer.

Senator BURROWS. You withdraw your answer to the question?—A. I desire to withdraw the answer to that question; yes.

Senator FRAZIER. Read the last question to him.

(Question read as follows:)

Did you ever pay any money to any member of the legislature for any purpose?

A. No, sir.

Q. Did you ever hear of the jack pot that has been talked a good deal about in this hearing while you were down at Springfield?—A. Nothing any more than I might read in the newspapers about it.

Q. Do you know anything about any fund having been contributed or paid by anybody that was paid to members of the legislature?—A. No, sir.

Q. Was Mr. Holstlaw in your office, or in your place of business, at a subsequent date to the one you have mentioned?—A. Not that I remember.

Q. Was he there in July?—A. I do not remember but seeing him there but once; I think in the month of June.

Senator FRAZIER. Read the question and answer.

(Question and answer read.)

Q. You have no recollection of seeing him there in July?—A. No, sir; I have not.

Q. You did not pay him, as I understand you, $700 in July?—A. No, sir; I did not.

Senator FRAZIER. That is all.

Senator HEYBURN. I desire to ask a question.

Q. Did you vote for Mr. Lorimer on the day he was elected because he asked you to vote for him on that day?—A. No, sir; I would vote for him anyway, if he had not asked me.

Q. Would you have voted for Mr. Lorimer a week prior to that time had he requested you to do so?—A. I would two months before that, because I knew we had no chance with our man.

Q. Answer as to the week, that is sufficient.—A. Yes, sir.

Senator JOHNSTON. One moment, Mr. Chairman. I want to ask Mr. Broderick one question. When the senate went over to the house in the joint session to ballot for United States Senator, did you hear Mr. Browne make a speech on that occasion?—A. Yes, sir.

Q. Was it before the voting took place?—A. No, sir; I think it was as when it came his turn to vote.

Q. When it was his turn to vote?—A. Yes, sir.

Q. Yes.—A. I would not be sure about that, but I think that is it.

Senator BURROWS. It is impossible for the reporters to hear a word you say.—A. I am sorry for that, Mr. Chairman.

Senator BURROWS. We are all sorry. There is no reason why you can not spead loud.—A. When it was—before the voting took place, because the senate had already voted before it came to the house—I do not think—if I remember right, I think it was when his name was called, and it got down to the B's that he stood upon the floor.

Judge HANECY. May I ask a question?

Senator BURROWS. I want to ask a question first.

Q. Mr. Broderick, did you leave your saloon during the time Mr. Holstlaw was there?—A. I did not, sir.

Q. Did he leave during the time you were there?—A. Yes, sir.

Q. At the close of the conference or at the end of the call?—A. Yes; he stayed a little while.

Q. You had no conversation with him that day outside of the saloon?—A. No, sir.

Q. Didn't you go into your private office?—A. No, sir; I did not.

Q. With him?—A. No, sir; I did not.

Q. Did you go with him anywhere else outside of the bar?—A. No, sir.

Q. While he was in there were there others in the room?—A. There was, sir.

Q. In the barroom?—A. Yes, sir.

Q. A large number or a small number?—A. There were quite a few people in there; possibly 10 or 15 people in there, I should judge.

Q. What time of the day was it?—A. I think it was around half-past 10 in the forenoon.

Q. The forenoon?—A. Yes, sir.

Q. Did you have any conversation with Mr. Holstlaw at all?—A. With who?

Q. With Holstlaw.—A. While in the saloon?

Q. Yes.—A. Why, we talked along, passed some jokes, and one thing and another, as you usually do in a saloon.

Q. But you can not remember any of the conversation?—A. No, I do not; I could not really tell you what the conversation was; I do not remember it now.

Q. How large is this room; the size of the room?—A. It is 200 feet long. It runs from one street through to the other. It is all open; no partitions or anything in it, other than the one in the front, across the front.

Q. Across the front?—A. Yes, sir.

Q. In back of that—it is all open back of that?—A. All open clean to the other street.

Q. To the other street?—A. All open clean to the other street.

Q. Did you have any private conversation with Mr. Holstlaw at that time?—A. No, sir; I did not.

Senator BURROWS. That is all.

Senator GAMBLE. While Mr. Holstlaw was in the saloon, and during all the time he was there, you mean to state there were other individuals in the saloon?—A. Yes, sir.

Q. During all of that time?—A. Yes, sir.

Q. And present?—A. And present.

Senator HEYBURN. You are not willing to state who they were?—A. No, sir.

Senator FRAZIER. Mr. Broderick, wouldn't that be very useful here to corroborate your statement that you did not have any private conversation with Mr. Holstlaw, if you let us know who they are so we may summon them?—A. Yes; but results might come from that later on.

Q. Where were you last week, Mr. Broderick; were you at Springfield?—A. I was, sir.

Q. What time did you return from Springfield?—A. I left on the 12.20 at night and got in about 8—7 or 8—in the morning. The train was an hour late, I remember that.

Q. What day of the week?—A. That was on Thursday last.

Q. On Thursday. Where were you from that time until Sunday?—A. From that time until Sunday? Now, Thursday, when I got home, I possibly got home about 12 o'clock, and came down to my place of business, jumped on a car, went over to the Brunswick-Balke over here on Wabash avenue, and bought seven pool tables that are not delivered yet, but will be delivered ten days afterwards. After closing that deal I went back home.

Q. Were you in your place of business during any part of the day? Friday or Saturday?—A. I was there Saturday; I was not there Friday. I was downtown most of the day Friday.

Q. Were you there Saturday any part of the day?—A. I was, sir.

Q. How much of the day?—A. Well, it was late in the afternoon when I got there—in the afternoon about 5 o'clock.

Q. Were you there at night?—A. Yes, sir; all night until 12 o'clock.

Q. Have you learned that a subpœna has been issued from this committee to you to appear and testify?—A. I did, sir.

Q. When did you learn that?—A. I learned that on—I learned that on Friday.

Q. On Friday?—A. Yes, sir.

Q. And did you dodge the officer?—A. I did not, sir; I did not, sir; as soon as I discovered that fact I tried to communicate with my lawyer, although he had told me when I was leaving Springfield that he would not be home possibly before Friday, and I called up his home; I called up his home and his wife said—that was Saturday morning—and his wife said he had got home last night, or Friday morning it was. I think it was Saturday morning I went over and waited in his office until 10 o'clock. I went out and went into a few places, and around 12 o'clock I went to the Union restaurant and had dinner there. I came back and went up in his office again and remained there until about 3 o'clock, and a little later than 3 o'clock he came in.

Q. Was that on Saturday?—A. That was on Saturday, and then he called up—he also knew about the subpœna at that time—he called

ip the marshal and told him that I would be over here Monday morning at 10 o'clock.

Q. Was that Saturday or Sunday that he did that?—A. That was Saturday.

Senator FRAZIER. All right; that is all.

Senator BURROWS. Mr. Broderick, at the time of this meeting at your saloon, can you give the committee any idea whether there were many people in there?—A. Well, there must have been 10 or 12 at least, that is at the bar, and there may be 20 or 30 farther back playing billiards or pool, something like that, possibly, that would be in there.

Q. There was a billiard room—a pool room in connection with the bar?—A. Billiard tables; yes, sir.

Q. Did you tend bar yourself?—A. Yes, sir; I stood at the bar, at the side of the bar.

Q. You stood at the side of the bar?—A. Yes, sir.

Q. Did you and Mr. Holstlaw withdraw from the rest of the people that were in there at any time and go to another part of the saloon?—A. No, sir.

Q. At no time?—A. No, sir.

Q. And had no private conversation?—A. No, sir; we had not.

Senator BURROWS. That is all.

Judge HANECY. May I ask a question, Mr. Chairman?

Senator BURROWS. Certainly.

Judge HANECY. Senator Paynter asked you——

Senator PAYNTER. No; I believe it was some one else.

Judge HANECY. I beg your pardon; I mean Senator Frazier asked you what Mr. Holstlaw was indicted for at Springfield, and you said for a furniture deal?—A. Yes.

Q. You afterwards said that he was indicted for perjury?—A. That is what he was charged with, I understand.

Q. He was charged with perjury?—A. Yes, sir.

Q. But he was charged with perjury in connection with a furniture deal, wasn't he?—A. That is the way I understand it.

Q. Yes. He was not indicted for the furniture deal, but indicted for perjury in connection with the furniture deal?—A. Yes, sir.

Q. Yes. That is all—just one minute. Do you know whether Mr. Holstlaw was indicted for perjury in connection with that, and also indicted for conspiracy?—A. I do not, sir.

Q. You don't know anything about that?—A. No.

Judge HANECY. That is all.

Mr. AUSTRIAN. Don't you remember, Mr. Broderick, on the 26th of May, 1909, that Browne asked the unanimous consent, when the roll call of the joint session was first had, and before any balloting was had, asked for suspension of the rules and for leave to make a speech on the first roll call?—A. Before they started to call the roll?

Q. Before they started balloting for United States Senator? There were two roll calls, weren't there? One for the purpose of ascertaining whether or not a quorum was present?—A. Yes, sir.

Q. That is right?—A. Yes, sir.

Q. And then the second roll call?—A. Yes, sir—the second roll call, you mean? He was elected on the first ballot.

Q. Yes; but there were two roll calls in the joint session?—A. Yes, sir.

Q. One for a quorum and one for balloting?—A. Yes, sir.

Q. Didn't Browne make a speech on roll call?—A. Well, now, I would not be sure whether he made it on roll call or whether after the voting commenced. The records will show that; that is easily ascertained; I do not remember.

Q. You do not want this committee to believe that you state from your own knowledge when he made his speech in the house that day do you?—A. I told you I was not sure, but I thought he made it when it came his turn to vote.

Q. Mr. Broderick, where did you stop on your way down to the saloon on the day you met Holstlaw?—A. I did not stop until I got to my place of business.

Q. You have a positive remembrance of that fact, have you; you remember that positively?—A. When I leave home in the morning that is the first place I go, to my place of business.

Q. I am asking you, you have an independent recollection of this morning you met Mr. Holstlaw?—A. I am not positive; I may have stopped in the drug store or in a saloon, but I do not think so; I did not go into a saloon that time of day, because I never drink in the forenoon.

Q. Much?—A. Nothing at all.

Q. Didn't you say "much?"—A. Yes.

Q. How many people did you introduce Holstlaw to in your place of business?—A. I refuse to answer.

Q. Did you introduce him to anyone?—A. I refuse to answer.

Q. On what ground do you refuse to answer?—A. As I stated before.

Q. What is that?—A. I might be compelled to give evidence injuring myself.

Senator BURROWS. I do not think a single word could have been heard of your answer by anybody.—A. I might be compelled to give evidence injuring myself.

Senator BURROWS. Is that all?

Mr. AUSTRIAN. That is all.

Senator BURROWS. The committee is informed that Mr. Griffin is here, and the committee will call him. Call Mr. John Griffin, representative from Cook County.

JOHN GRIFFIN, called as a witness herein, having been first duly sworn by Mr. Senator Burrows, was examined in chief by Mr. Austrian, and testified as follows:

Q. What is your full name, sir?—A. John Griffin.

Senator BURROWS. That answer could not be heard.—A. John Griffin.

Mr. AUSTRIAN. What is your business, Mr. Griffin?—A. Teaming.

Senator BURROWS. Wait a minute. Your answers can not be heard. Will you direct your attention this way and speak so that the committee will hear you?—A. I am in the teaming business.

Q. In the teaming business?—A. Yes, sir.

Mr. AUSTRIAN. How long have you been engaged in that business?—A. Oh, about twenty years, I guess.

Q. Are you actively engaged in that business now?—A. Yes, sir.

Q. And have been?—A. Yes, sir.

Q. Have you ever been engaged in politics?—A. Some.

Q. Were you elected as a member to the forty-sixth general assembly?—A. Yes, sir.
Q. Republican or Democrat?—A. Democrat.
Q. Upper or lower house?—A. Lower house.
Q. That is, the house of repersentatives?—A. Yes, sir.
Q. Were you in attendance at the sessison of the forty-sixth general assembly?—A. Yes, sir.
Q. In the month of May?—A. Yes, sir.
Q. In the month of April?—A. Yes, sir.
Q. Right along from January down to June, the 4th or 5th?—A. Right along until they adjourned.
Q. Do you remember when they adjourned?—A. Well, I do not remember the day.
Q. Well, do you remember about the time?—A. Yes.
Q. Do you remember how soon after the election of the United States Senator?—A. Oh, I don't know; I think about a week, may be.
Q. A week?—A. Yes.
Q. Now, after the election of United States Senator, did you return to Chicago?—A. Yes, sir.
Q. Did you remain in Springfield until the session adjourned?—A. I left that morning.
Q. You left that morning?—A. Yes, sir.
Q. Immediately after the election of United States Senator?—A. Yes, sir.
Q. And then you did not go back again, did you?—A. Oh, yes; we went back afterwards.
Q. For the special session. I mean, you did not go back to the general session?—A. I think we did.
Q. I am asking you.—A. Yes.
Q. You went back?—A. Yes, sir; I think we went back there and stayed there a day or two and then it adjourned.
Q. Oh, yes. Then you think the morning after the election of United States Senator you left Springfield and came to Chicago?—A. Oh, no; we did not leave Springfield.
Q. Tell us; I am asking you.—A. I do not remember.
Q. You do not remember anything about the circumstances, do you?—A. No, sir; I do not.
Q. Were you a member of what is known and commonly referred to as the Browne faction of the house?—A. Yes, sir.
Q. Tell the commitee what that means.—A. Why, there were two candidates for minority leader in the house.
Q. Yes.—A. And a man, Mr. Tippet, and Mr. Browne——
Q. Yes.—A. And Browne had the most votes, and was nominated as minority speaker of the house.
Q. Minority leader of the house?—A. Minority leader of the house.
Q. In caucus?—A. Yes, sir; and I was with Browne.
Q. And you followed his leadership?—A. Yes, sir.
Q. Right through the session?—A. Yes, sir.
Q. How did he indicate his leadership—by the measures he advocated, or what?—A. Oh, sometimes.
Q. He would notify his followers, his faction, of certain measures he was in favor of?—A. He didn't notify me of anything.

Q. I mean his faction; do you know anything about that?—A. No I do not.

Q. You just followed the lead; is that right?—A. Yes, sir; whatever I thought was—if I thought a fellow was all right, I would vote for him; if he was not, I did not vote for him.

Q. But you took Browne's leadership; you was with Browne?—A. Yes.

Q. Mr. Griffin, when did you make up your mind to vote for Mr. Lorimer for United States Senator?—A. Oh, some time before that.

Q. Well, tell us how long before that.—A. It was reported two or three times through the session that Mr. Lorimer was a candidate.

Q. Yes.—A. And I knew that I had a lot of friends that were friends to Mr. Lorimer, and I knew he was a candidate and I would vote for him.

Q. Now, who reported two or three times through the session that Mr. Lorimer was a candidate?—A. It was common talk.

Q. Who did you go to to find out whether or not it was true?—A. Why, after he was announced candidate everybody knew.

Q. Now, when was he an announced candidate?—A. Oh, I think probably a week, maybe ten days, before he was elected.

Q. Yes; and then some balloting began for Lorimer, didn't there?—A. Yes, sir.

Q. And that is when he was an announced candidate, so far as you know; is that correct?—A. Yes, sir.

Q. Then you voted for him, did you?—A. Yes, sir.

Q. When?—A. I voted for him the morning that he was nominated.

Q. That is the first time you voted for him, that morning?—A. That is the only time I guess any Democrat voted for him.

Q. But that is the reason you did not vote for him before; is that the reason?—A. I would have voted for him any time.

Q. Well, he was not voted for before that?—A. I do not remember.

Q. You do not remember anything about that?—A. I voted for him any time he was voted for.

Q. You did?—A. Every time he was voted for I voted for him.

Q. You are sure of that?—A. I am pretty sure.

Q. And if the record of the joint assembly shows that the only man that ever voted for Mr. Lorimer from the 13th day of May to the 26th of May was Robert J. McIlvaine, then the record is wrong?—A. I do not know about that.

Q. You do not; but you voted for him every time he was voted for?—A. Oh, no; not every time; I voted for Stringer, and I think I voted for Harrison.

Q. Not every time you voted, but every time Mr. Lorimer was voted for you voted for him?—A. Oh, no.

Q. Then I misunderstood you?—A. Maybe.

Senator BURROWS. Nobody can hear your answers.

Mr. AUSTRIAN. Tell us what you mean when you said, then, a few moments ago, that every time he was voted for you voted for him.—A. Oh, no; I did not.

Q. You did not vote for him?—A. I did not vote for him when he first came out.

Q. But you knew he was an announced candidate, didn't you?—A. Vell, I did not want to vote until my—until I thought my vote ould count.

Q. You did not want to vote for him until the Democrats voted or him; isn't that right?—A. Until I thought he had enough votes o elect him.

Senator BURROWS. Won't you turn your face this way, so that the eporters can hear what you say?

Mr. AUSTRIAN. Now, on the 26th of May, you thought he had nough votes to elect him, did you?—A. I did not know; I did not ink anything of it at all.

Q. Oh, you did not?—A. No, sir.

Q. Then it didn't enter your mind at all whether he had enough otes to elect him the day you voted for him?—A. It looked like—by ie time—by the roll call and the way they were voting that he would ave enough votes.

Q. Read the last question and answer, please.

(Question and answer read.)

Q. And then you voted for him, is that correct?—A. Yes, sir.

Q. And you did not make up your mind to vote for him until that iorning, did you?—A. Oh, yes, I did. I had made up my mind long efore that to vote for him.

Q. A couple of weeks?—A. Yes, sir.

Q. Your name was Griffin?—A. Yes, sir.

Q. You were pretty far up on the roll call, weren't you?—A. Yes, ir.

Q. Yours was one of the first names called in the house, wasn't ;?—A. Well, not right first.

Q. One of the first?—A. Way up; pretty near.

Q. Way up near the top?—A. Yes, sir.

Q. And way near the top, as far as Democrats were concerned, you ere one of the first Democrats called in the house?—A. Petty near ie top; yes.

Q. And then you knew, did you, that he would have enough votes o elect him, is that correct?—A. It looked that way from the——

Q. And you had no one inform you of that fact, anyone talk to you bout it?—A. No, sir.

Q. Did Lee O'Neil Browne talk to you about it; did Lee O'Neil Browne ever ask you to vote for him?—A. No, sir.

Q. Lee O'Neil Browne never asked you to vote for him?—A. No, ir.

Q. Did anyone ever ask you to vote for him?—A. No, sir.

Q. And you never told anyone you would vote for him?—A. I ight have told.

Q. Well, who?—A. I might have told a half dozen fellows.

Q. Who did you tell, not whom you might have told.—A. I think told Abrahms; I think I told Wilson; I think I might have told Doctor Allison, who sat bak of me, and Tom Reiley.

Q. But you did not tell Browne?—A. No; Browne sat away, a long ays from me.

Q. But you never talked with Browne about it, did you?—A. No; did not.

Q. And Browne—I beg your pardon——A. No, sir; not that I emember.

Q. And Browne never talked to you?—A. No, sir.
Q. Did Wilson come to you?—A. No, sir; we sat right next to each other.
Q. Did Wilson talk to you about it?—A. We talked the matter over.
Q. Did Wilson ask you to vote for Lorimer?—A. No, sir.
Q. Did you ask Wilson to vote for Lorimer?—A. No, sir.
Q. Did you ask anyone to vote for Lorimer?—A. I asked a man named Terrill.
Q. You did ask Terrill?—A. Yes, sir.
Q. When did you ask Terrill to vote for Lorimer?—A. Oh, I think about the second night, probably, before he was elected.
Q. Then, if he was elected on the 26th of May, you asked Mr. Terrill to vote for him on the 24th.—A. About the 24th.
Q. In the evening?—A. Yes, sir; about somewhere, probably, half past 7 or 8 o'clock in the evening.
Q. Where?—A. Right across the corner from the hotel.
Q. The St. Nicholas Hotel?—A. Yes, sir.
Q. You stopped at the St. Nicholas Hotel, did you?—A. Yes, sir.
Q. That is where all or mostly all of the members stopped?—A. A good many.
Q. A good many? And then you had this talk with Terrill, did you?—A. Yes, sir; there was a band playing across the street there; I went across the street, there was an Elk's convention there and after the band went upstairs I started to walk over to the hotel and met Terrill and I said, "Hello, Terrill." He said, "Hello." I said, "Terrill, why don't you vote for Lorimer. Now," I said, "you are a Republican, and it don't make any difference," and I says, "It will make you strong politically in your town to have it known—to have a United States Senator back of you," and I says, "You ought to vote for him," I says, "as long as he is a Republican." That was all of our conversation.
Q. That is the entire conversation?—A. Yes, sir.
Q. And if Terrill had been a Democrat you would have told him he ought to vote for him too?—A. I suppose I would; yes.
Q. Yes.—A. I told him I was going to vote for him.
Q. Now, you did not discuss with Terrill anything about money, did you, at all?—A. No, sir.
Q. Not a word?—A. No, sir.
Q. Never entered your mind?—A. No, sir.
Q. You had never heard about money for United States Senator down at Springfield during that session?—A. There was some talk afterwards.
Q. But up to that time?—A. No, sir.
Q. No one ever talked to you?—A. No, sir.
Q. About money?—A. No, sir.
Q. You did not hear money?—A. No, sir.
Q. And you did not hear a thousand dollars named?—A. No, sir.
Q. At no time?—A. No, sir.
Q. And you did not get any, did you?—A. No, sir.
Q. At no time?—A. No, sir.
Q. Mr. Griffin, you just told this committee there was some talk about it afterwards?—A. Yes, sir.

Q. You did not believe these talks, did you?—A. I did not see anybody that got any.

Q. You did not believe any of these talks that you heard?—A. I did not know whether to believe them or not.

Q. You did not know whether to believe them or not?—A. No, sir.

Q. But you were there all the time?—A. Yes, sir; I was there.

Q. And you were a member of that minority faction?—A. Yes, sir.

Q. But still you could not make up your mind whether or not that talk was true, could you?—A. Which talk?

Q. About money being paid?—A. Oh, I did not know anything about it.

Q. You did not inquire?—A. I never heard until afterwards.

Q. How long afterwards?—A. Oh, right away afterwards.

Q. Right after the election of United States Senator?—A. Yes, sir.

Q. Now, what did you hear?—A. Oh, there were rumors around there that some fellows had got some money, and had got some money, but I did not see anybody that had got it.

Q. Mr. Griffin, will you tell this committee that there was no talk about money for United States Senator before the election on the 26th of May?—A. I did not hear of any.

Q. Will you tell them there was no such talk in and about the house and senate chamber and in the St. Nicholas Hotel that money was being paid for votes?—A. I did not hear of any.

Q. But you heard that same day after the election?—A. Yes; there was some rumors to that effect.

Q. That same day?—A. May be it might have been that day or the next day.

Mr. AUSTRIAN. Yes; that is all.

Cross-examination by Judge HANECY:

Q. Mr. Griffin, did you say when you had the conversation with Mr. Terrill that night after the Elks meeting there, and when you heard the band playing, and then you crossed the street and met Mr. Terrill—that is the time I want to get your attention to—did Mr. Terrill say to you, "I asked him;" that is, you, "what there would be in it"—no; strike that out. I will commence over again. Did you ask Mr. Terrill to vote for Mr. Lorimer?—A. Yes, sir.

Q. And did he say then to you, "I asked him," you, "what there would be in it, and he," meaning you, "said 'a thousand dollars' anyway;" did you say that to him?—A. No, sir; there never was nothing in the world mentioned about that, anything of the kind.

Q. Was that, or that in substance, or anything like that said?—A. No, sir.

Q. By you?—A. No, sir. I just stated the conversation that we had that evening.

Q. And the conversation that you say you had in answer to Mr. Austrian was all the conversation?—A. Yes, sir; that was all.

Q. Did you ever tell anybody, Mr. Terrill or anybody else, at that time or place or any other time or place, that there was a thousand dollars or any other sum of money or any other thing of value in it?—A. No, sir.

Q. If Terrill or anybody else would vote for Mr. William Lorimer for United States Senator?—A. No, sir.

Q. You never got anything for voting for him?—A. No, sir.

Q. And you do not know anybody who did?—A. No, sir; I do not.

Judge HANECY. I think that is all.

Senator HEYBURN. Mr. Griffin, have you been present at other times during this hearing?—A. No, sir; this is my first time here.

Q. Have you been reading any account in the newspapers or elsewhere?—A. I have read the newspapers; yes.

Q. And if your name has been connected with this matter or subject under consideration, and published—the fact published in the newspapers—you would know it, would you?—A. Yes, sir.

Senator HEYBURN. That is all.

Judge HANECY. Some newspaper men did ask you yesterday about this same thing, didn't they?—A. Yes, sir.

Q. Or last night. Who was he?—A. Why, he represented the Daily News, he told me.

Q. Well, did you tell him the same thing you told this honorable committee?—A. Just the same statement I made here, that is the only statement I could make.

Q. Only that you used more emphatic language probably?—A. Well, maybe I did.

Judge HANECY. That is all.

Mr. AUSTRIAN. Didn't you tell Terrill that Mr. Lorimer was going to be elected the next day?—A. No, sir.

Q. Nothing like that?—A. No, sir.

Q. Didn't tell that to Mr. Terrill or anyone else?—A. No, sir.

Q. That Mr. Lorimer was going to be elected the next day?—A. No, sir; I could not tell him that, because I did not know.

Q. Well, that you thought he was going to be elected?—A. I thought all the time if Lorimer——

Q. Did you tell Mr. Terrill?—A. No, sir; I did not.

Q. And did not say anything about your vote for him—your voting for him the next day or the day after?—A. I might have told Terrill that I was going to vote for him.

Q. The next day?—A. Well, whenever it would come up.

Q. And did not you tell that it was going to be pulled off the next day and that Lorimer had enough votes and he better get on because he was a Republican?—A. No, sir; I did not.

Q. What did you tell Wilson?—A. Wilson?

Q. Yes.—A. Oh, I might have told Wilson that I was going to vote for Lorimer.

Q. Yes.—A. Because I had a lot of friends that were friends of Lorimer, he was a Chicago man, and I would rather vote for any Chicago man than the man outside.

Q. How many Democrats were there from Chicago, in your branch of the legislature?—A. On our side of the house?

Q. Yes.—A. Oh, I don't know; I don't know.

Q. Was not the majority of the 53 Democrats who voted for William Lorimer from the city of Chicago?—A. Well, I think there was some of them outside of the city.

Q. Well, was not the greater number?—A. I guess so; yes.

Mr. AUSTRIAN. That is all.

Judge HANECY. Just one minute.

Q. Mr. Tippet was the leader of the other faction, wasn't he?—A. Yes, sir.

Q. The other Democratic faction?—A. Yes, sir.

Q. He voted for William Lorimer as Senator, didn't he?—A. I believe he did.

Q. He does not live in Chicago?—A. No.

Q. Blair does not live in Chicago?—A. No, sir.

Q. He was a Democrat, and he voted for William Lorimer, didn't he?—A. Yes, sir.

Q. Espey is a Democrat, and he voted for Lorimer?—A. Yes, sir.

Q. He does not live in Cook county, does he?—A. No, sir.

Mr. AUSTRIAN. Pardon me, I desire to object. This is all a matter of record, the residences of each member of both houses is a matter of record, and in the legislative reports that we have got in evidence.

Judge HANECY. Then why should counsel have asked the question, except to impress upon the minds of the committee a fact that is not true. He is now appealing to this committee to rule out something that he put in.

Mr. AUSTRIAN. I am not asking them to rule it out. If this witness made a misstatement of evidence, it is not my fault.

Senator BURROWS. If it appears by the record where they reside——

Judge HANECY. I am not quite sure it does.

Mr. AUSTRIAN. I say it does.

Senator HEYBURN. It does on the first page of the journal.

Mr. AUSTRIAN. It does on the first two pages of the journal.

Judge HANECY. That is not sufficient, I submit, Mr. Chairman, because whenever this honorable committee or the colleagues of this committee, either in the general committee or in the house, gets to that part of the record, they will not go back to test the question by looking at the journal of the house and senate to see whether it is true or not, and I submit that in connection with the question that was asked and answered, that he obtained that, that we be permitted to show that a majority of the Democrats who did vote for William Lorimer for United States Senator were not residents of Chicago and were not residents of Cook County.

Senator BURROWS. Has the witness stated they were?

Judge HANECY. The exact language there——

Senator GAMBLE. I think the statement was that a majority of them were from Cook county.

Judge HANECY. Yes; I propose to show they were not.

Senator BURROWS. Go on with your question.

Senator PAYNTER. Judge Hanecy, I do not want to be strict in this matter, but it is utterly impossible for me to understand what difference it makes whether they are from Chicago or some other part of the State?

Judge HANECY. I do not know, Senator Paynter, what the purpose was but counsel must have had——

Senator PAYNTER. Go ahead, get through some way. I am not raising any objection; go ahead.

Judge HANECY. I will shorten it in this way. I will ask that this honorable committee and the large committee refer to the record in refutation of the question asked by Mr. Austrian.

Senator PAYNTER. If he wishes to ask the question, I do not want it understood that I am objecting.

Judge HANECY. I want it in connection with that.
Senator PAYNTER. I would like to limit it some way.
Senator BURROWS. Anything further with this witness?
Judge HANECY. That it all, Mr. Griffin.
Mr. AUSTRIAN. That is all.
Senator BURROWS. Have you another witness that will be brief, Judge?
Judge HANECY. Well, I have one other witness, but I doubt whether I could get through with him before the adjournment, but I will go on if the committee desires me to, Mr. Chairman.
Senator BURROWS. Mr. Griffin, you had better remain here. You are discharged for the present. You had better remain where you can be called.
The WITNESS. All right, sir.
Senator GAMBLE. How far is your place of business from where the committee sit?
The WITNESS. Oh, I might go home for lunch.
Senator GAMBLE. That is all right.
Judge HANECY. Come back at 2 o'clock; you can do that without inconvenience.
Senator BURROWS. The committee will take a recess until 2 o'clock

Whereupon the committee adjourned until 2 o'clock p. m., same day—Thursday, October 6, 1910.

AFTERNOON SESSION.

THURSDAY, *October 6, 1910.*

At 2 o'clock p. m. committee met pursuant to adjournment, and thereupon the following proceedings were had:

Senator BURROWS. Mr. Sergeant, call Mr. Browne.
Judge HANECY. I have another witness, Mr. Chairman.
Senator BURROWS. I beg pardon.
Judge HANECY. I have another witness here, if you desire to put him on.
Senator BURROWS. What is his name?
Judge HANECY. Mr. Curran.
Senator BURROWS. Curran?
Judge HANECY. Yes; Thomas Curran.
Senator BURROWS. We will call Mr. Curran instead.

Thomas Curran, called as a witness herein, having been first duly sworn, was examined in chief by Judge Hanecy, and testified as follows:

Q. Mr. Curran, are you a member of the legislature?—A. Yes, sir.
Q. Of Illinois?—A. Yes, sir.
Q. How long have you been a member?—A. Four years; two terms.
Q. Have you been renominated?—A. Yes, sir.
Q. That is, at the direct primaries just passed?—A. Yes, sir.
Q. In the forty-sixth general assembly, were you chairman of any committee?—A. I was chairman of the labor and industrial affairs committee.
Q. Of the house?—A. Of the house.
Q. A Browne or a Tippet man?—A. I am a Republican.

Q. What is that?—A. I am a Republican.
Q. You were not allied with either of those?—A. No, sir.
Q. Do you know Charles A. White?—A. Yes, sir.
Q. Did you know him before his membership in the forty-sixth general assembly?—A. No, sir.
Q. Do you remember having a conversation with Charles A. White on or about the 27th day of May, 1909, in the corridor of the statehouse at Springfield, the day after Senator Lorimer was elected?—A. Yes, sir.
Q. In that conversation did Mr. White say to you: "Curran, are you going to report the woman's ten-hour bill in?"—A. Yes, sir.
Q. Did you then say to Mr. White: "I surely am; I am with that bill," and did Mr. White then say to you: "What do you do that for? If you will hold it up, there will be something in it for us?"—A. Yes, sir.
Q. Did you then say to White: "There can't be anything in this bill for me. I am not that kind?"—A. Yes. sir.
Q. Did Mr. White then say to you: "What the hell! Are you afraid?"—A. Yes, sir.
Q. Did you then say to Mr. White, "No; I am not afraid, but I am going to report the bill in?"—A. Yes, sir.
Q. Did Mr. White then say to you, "Will you hold it up for just a little while?"—A. Yes, sir.
Q. And then did you say to Mr. White, "Oh, no; I will report it in just as soon as the clerk calls for reports of committees; I won't hold it for a minute?"—A. Yes, sir; or words to that effect.
Q. Yes; did Mr. White then laugh and walk away and say, "I thought you were all right," and did you then say, "And so I am?"—A. Yes, sir.
Q. At the same time and at the same conversation did White say to you, "Was there anything doing on that senatorship election of Lorimer yesterday?"—A. Yes, sir.
Q. And did you say, "Not that I know of. I heard of nothing of the kind. You are a Democrat and voted for him, and you ought to know if there was. Why do you ask?"—A. Yes, sir; that was our conversation.
Q. Did White then say to you, "Well, I didn't know; I thought there was. I thought that Browne was double crossing us. I thought I was being double crossed."—A. Yes, sir.
Q. Did you say, "I know nothing about it at all? I have heard nothing?"—A. Yes, sir.
Q. That ten-hour bill—the woman's ten-hour bill—— —A. Yes.
Q. (continuing) was referred to your committee, was it?—A. It was in my committee.
Q. And was pending before it prior to this conversation?—A. Yes, sir.
Q. That is right, is it?—A. Yes, sir.
Judge HANECY. That is all.

Cross-examination by Mr. AUSTRIAN:

Q. Mr. Curran, just look at the chairman, please.—A. All right.
Q. This man White was a disreputable sort of a man, wasn't he?—A. I don't know about that.
Q. Any man who offered you an inducement to hold out, or asked you to hold out a bill for the purpose of permitting himself to make

money out of it would be a disreputable sort of a man, wouldn't he?—A. Yes.

Q. And that is what he was?—A. Well——

Q. He was a disreputable character?—A. I said previous to that that I didn't know as he was.

Q. But then you immediately assumed that he was a disreputable character?—A. Yes, sir.

Q. And he was, too, wasn't he?—A. Well, I believe he was when he tried to bribe me.

Q. He tried to bribe you?—A. I didn't consider that at that time

Q. Well, you knew what he meant when he said to "hold it up and let us see what we can do," or things to that effect?—A. Yes.

Q. You knew exactly what he meant, didn't you?—A. I didn't know exactly what he meant.

Q. What did you think he meant?—A. In fact, at the time I did not know what he meant.

Q. What?—A. I did not know what he meant.

Q. It did not make enough impression upon you to consider whether he was trying to gain some unlawful advantage out of the bill then pending in your committee, did it?—A. No; but I will tell you that I was with that bill heart and soul.

Q. I didn't ask you that, Mr. Curran. You would not permit any one to influence you corruptly, would you?—A. No, sir.

Q. And when White went to you and had this conversation you thought he was trying to influence you corruptly, did you not?—A. Yes, sir.

Q. There is no doubt about that in your mind, is there?—A. At that time—I did not think of it at that time.

Q. When did you think of it that way?—A. Well, after I saw how things turned out I thought of it that way.

Q. And you began to think of it that way after the 1st day of May, 1910, didn't you?—A. No.

Q. When?—A. Right along; I knew White was crooked—thought he was.

Q. That White was crooked?—A. Yes.

Q. When did you make up your mind that he was crooked?—A. During that time—after that time.

Q. After that time?—A. After that time, after that conversation

Q. Immediately after that conversation?—A. Shortly. I could not say immediately.

Q. What was it that made you conclude he was crooked?—A. His conversation.

Q. That conversation?—A. Yes.

Q. Well, after he did talk to you, you concluded that he was a crooked fellow, did you?—A. Yes.

Q. There is no doubt about that in your mind at all, is there?—A. I don't think there is.

Q. The legislature remained in session for several days after that, didn't it?—A. Yes.

Q. That is correct, isn't it?—A. Yes.

Q. Seven or eight days?—A. Seven or eight days.

Q. Why didn't you haul him up before the speaker?—A. At that time I did not care to create any stir in the house, and, in fact, he had done no harm.

Q. He had done no harm? When he tried to bribe you, a member of the legislature, didn't you consider he was trying to do some harm?—A. Well, no; I didn't consider it at that time, because there was no chance for him to do anything with me.

Q. Well, the fact that he did not succeed in bribing you is not any reason why you should not haul him up before the members of the house, was it?—A. I did not look at it in that light at that time. Now, I should say——

Q. In other words, at the time you and White had the conversation—the talk you have testified to—in reference to the woman's ten-hour bill you did not consider he was trying to bribe you at all?—A. Not at the time he come to see me.

Q. Well, the next hour, did you?—A. Oh, I would not say the next hour; I would say when I got to thinking it over, thinking of what his fellow had said to me.

Q. You came up here and visited Lee O'Neil Browne?—A. Where?

Q. Chicago, after the first trial.—A. Visited him; I lived here.

Q. He sent for you at the Briggs House?—A. Yes, sir.

Q. That was after the first trial?—A. Yes, sir.

Q. Just before the second trial?—A. Yes, sir.

Q. And that was the first time that you had ever detailed to Lee O'Neil Browne either one of these conversations?—A. Yes; that was the first time to Lee O'Neil Browne.

Q. The first time you ever detailed it to Lee O'Neil Browne or any of his lawyers?—A. Yes, sir.

Q. Now, the next conversation you spoke of—when did that take place, with reference to the first conversation, the one about Lorimer and Lee O'Neil Browne double-crossing White?—A. On the day after the election.

Q. It was the same day you had the other conversation?—A. It was the same day I had the other conversation; it was all one conversation.

Q. It was all one conversation?—A. Yes.

Q. Where were you when you had the conversation?—A. In the hallway back of the speaker's desk.

Q. Did White send for you?—A. White stood there in the doorway and beckoned to me.

Q. Oh, he beckoned to you to come?—A. Yes.

Q. Now, tell this committee what conversation you had with reference to the Lorimer transaction? What did White say to you and what did you say to White?—A. Well, all White said to me—after the conversation on the ten-hour bill he said to me, "What was doing on the senatorship yesterday?" And I said, "Nothing that I know of."

Q. Go on.—A. He said to me—well, I said, "Why do you ask me that? You voted for him; you are a Democrat, and if there was anything doing," I said, "you ought to know." I said, "Why do you ask me?"

Q. What did he say?—A. Well, he said, "I don't know." He said, "I thought that Browne was double-crossing us—that there was something doing in Browne double-crossing us."

Q. What did you say?—A. I said, "I don't know."

Q. That was the entire conversation?—A. Yes; or words to that effect. Of course, I can't remember it word for word.

Q. Did you tell Browne about that?—A. When?

Q. At any time?—A. Oh, no; I hadn't saw Browne, I don't think for a year.

Q. You did not tell Browne anything about that until after his first trial, in August of this year, 1910. Is that correct?—A. Yes that is the time.

Q. Sir?—A. Yes; that was the time.

Q. Now, you thought that was a pretty important incident, didn't you?—A. Yes, sir.

Q. And still you knew that Browne was being tried for his liberty in Chicago?—A. Yes.

Q. And you lived—you were living here?—A. Yes, sir.

Q. And you did not inform Mr. Browne of that fact until after he had been tried once and the jury had disagreed. Is that right?—A. Yes, sir.

Q. You told Charley White, the time of this conversation, that you did not know anything about any money for Lorimer. Is that right?—A. Yes.

Q. You had not heard of any?—A. No.

Q. That is what you told him?—A. Yes.

Q. You did not know whether he had been crossed or not?—A. No sir.

Q. Or whether anyone had been double crossed?—A. No, sir; I didn't.

Q. And that Charley White was a Democrat, and as a Democrat having voted for Mr. Lorimer he should have known whether there was any money used?—A. Yes.

Q. Was that your opinion?—A. Yes.

Q. Well, why should he, as a Democrat, have known whether there was any money in it, any more than you, a Republican?—A. Well, I didn't know any reason for it.

Q. Why did you say to him: "You are a Democrat, and have been a Democrat, and having voted for Lorimer, you should know whether there was anything in it." What did you mean by that?—A. He was a Democrat, and I thought if there was any money in it a Democrat should know.

Q. And you further thought that Charley White being such a Democrat, as you knew him to be, with his hand out, would have been one of the Democrats that would first know, didn't you?—A. Yes; I naturally thought he would.

Q. Now, didn't you hear of any such thing going on down at Springfield during the election of Mr. Lorimer, on the 26th of May 1909?—A. No, sir; I never did.

Q. You never heard any report nor any remark nor any talk, nor anything of the kind, did you?—A. No, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator BURROWS. Are there any further questions?

Judge HANECY. No.

Senator BURROWS. That is all. Call Mr. Browne—Mr. Lee O'Neil Browne.

LEE O'NEILL BROWNE, called as a witness herein, having been first uly sworn by Senator Burrows, was examined in chief by Mr. ustrian, and testified as follows:

Senator BURROWS. I believe you have been sworn, Mr. Browne, ave you?—A. I have.

Mr. AUSTRIAN. What is your full name?—A. Lee O'Neil Browne.

Q. Where do you reside?—A. Well, for the last five months in hicago.

Q. Where is your home?—A. Ottawa, Ill.

Q. Mr. Browne, how long have you resided at Ottawa, Ill.?—A. I ent there, and I began the practice of law in August of 1890.

Q. You have been admitted to the bar ever since 1890?—A. No; have been admitted since 1889.

Q. In other words, since 1889 you have been a practicing lawyer n the State of Illinois. Is that correct?—A. Yes, sir.

Q. When, for the first time, were you elected to the Illinois legisla- ure?—A. At the November election of 1900.

Q. To what house?—A. To the house of representatives.

Q. Republican or Democrat?—A. Democrat.

Q. Democrat at all times?—A. Yes, sir.

Q. The forty-sixth general assembly——A. I would like to suggest o you, if you will pardon me, that in my county I probably get early as many Republican votes as I do Democrat.

Q. But you are a Democrat?—A. Yes.

Q. In other words, you run on the Democratic ticket?—A. Yes.

Q. Always have?—A. Yes, sir.

Q. Mr. Browne, immediately prior to the assembling of the forty- xth general assembly, you became an active candidate for minority eader of the house, on the Democratic side, is that correct?—A. Re- eat that question, please.

Mr. AUSTRIAN. Read it.

(Question read.)

A. No, sir.

Q. You did not become——A. Not at that time.

Q. Well, prior to that time?—A. Yes, sir.

Q. In other words, the house convened in January, 1909?—A. The fth, I think.

Q. The fifth of January?—A. I think so.

Q. And you began your candidacy for minority leader along in he latter part of 1908, did you not?—A. Almost immediately after he election.

Q. Well, that was the latter part of 1908, wasn't it?—A. Novem- er.

Q. Yes.—A. I think so.

Q. And you began then to solicit adherents and votes for that mi- ority leadership?—A. I began to campaign for minority leadership. do not know whether you would call it exactly soliciting or not.

Q. You urged men to meet you——A. I did.

Q. (continuing)——and to come into line for you?—A. I did.

Q. And to support you?—A. Yes.

Q. Perhaps that was not solicitation, I don't know. Mr. Browne ou were elected minority leader in the caucus, were you not?— . Yes, sir.

Q. And there were two factions of the minority party; the Democrats were the minority party in the house, in the forty-sixth general assembly, were they not?—A. There were two candidates for minority leadership; two names presented at the caucus, that is, it narrowed down to two, the night of the——

Q. You and Mr. Tippet?—A. Thomas Tippet, of Olney, Ill.

Q. And the Democratic members of the house were in the minority in the forty-sixth general assembly?—A. Yes; there were 64 Democrats, and the balance of the 153 were Republicans.

Q. Making 89, would it not, Republicans, and 64 Democrats?—A. I don't know; I didn't figure it up.

Q. Well, all right. Among those whom you solicited or canvassed or caucused, or what not, was Charles A. White?—A. Yes, sir.

Q. Had you known Charles A. White prior to that time?—A. I had never seen the man, to my knowledge, before that time, but I had had a letter from him, and I had replied to his letter. That was after his nomination and before his election. The letter requested me to intercede with his running mate, Mr. Smith, at that time an old member, or member of the session before—to intercede with him to play fair and not indulge in the plumping system, and thereby they could both be elected; and I replied to that letter, and I also think, though I am not sure, but I think I wrote Mr. Smith, also pursuant to that letter.

Q. You had been a member of the forty-fifth general assembly, had you not?—A. Yes, sir.

Q. Mr. White had been a member of a labor organization down there, hadn't he?—A. Yes; I believe that is a fact, but I did not know it.

Q. You did not know it?—A. I did not know it. He had not been up before any committee I was on, or that I was interested in, at the time he was before them.

Q. Now, Mr. Browne, after the election of yourself as minority leader, and the convening of the general assembly in 1909, did you become better acquainted, or well acquainted with Mr. White?—A. Well, pardon me, Mr. Austrian——

Q. How well acquainted did you become with him? Put it that way.—A. I should say there was not any time intervening between the election of minority leader and the convening.

Q. Well, at that time——A. In other words—if you will pardon me for explaining it—the caucus for the election of minority leader took place Tuesday, I think, about 9 o'clock. The house was convened the next day, Wednesday, at noon.

Q. Well, now, after the convening of the house and the continuance of the general assembly, did your acquaintance with Mr. White continue, and enlarge, and grow, or was it diffident, just the same as theretofore?—A. It took just the same course that my acquaintance with any member would that had voted for me and become a member of my body.

Q. That is, no other?—A. I don't know that I understand the question.

Q. You did not know him any better than you knew other members who followed the Browne minority leadership faction?—A. I can only answer you in this way: There was no acquaintance between Mr. White and myself during the session of 1909, from the time it con-

ened until is closed, on June 4, 1909, only that arose purely from gislative matters and the intercourse necessary thereto.

Q. Barring that——A. No social relations of any kind.

Q. I understand that fully. Barring the relationship which you ave detailed, there was no relationship between you and Mr. White?—A. I think not, sir.

Q. Now, then, after the session had terminated, concluded on the th or 5th day of June, 1909, did that relationship assume a social rela- ionship, or just still remain a political relationship?—A. There was o social relationship in the sense that you refer to, or that people peak of social relationship, between Mr. White and myself prior to, think, to the 14th day of June, 1909.

Q. That was the first one, was it?—A. Yes, sir; it might have een the 13th, but I think it was the 14th.

Q. The 13th or 14th day of August?—A. Yes.

Q. 1909?—A. Yes.

Q. And at that time——A. I would like to explain it to you so that here may be no mistake. I always stopped at the Briggs House for ossibly nine—longer than that—ten years or more. Mr. White had een stopping at the Briggs House. I don't believe he ever stopped here before June. I never saw him there before that time in 1909.)nce or twice and probably three times—but I think only twice—rom the time the session closed until the day in August, as I refer o, White and I were at the Briggs House around about there, stop- ing there at the same time; he was stopping there and I would be topping there. Now, I exchanged with him during these times the ame courtesies and the same casual meeting courtesies as I would vith any of the rest that I knew there, and perhaps a little more, ecause of my acquaintance with him in the legislature.

Q. That was all?—A. Yes.

Q. Up to June?—A. Yes.

Q. Is that right?—A. Yes.

Q. Then, up to August 14 or 15, 1909?—A. Yes.

Q. That is, up to that time, if I understand you correctly, there vas no greater relationship or a more courteous relationship with im than there was between you and every other member of your inority faction?—A. Oh, yes; yes; there was more than there was etween myself and every other member.

Q. Or any other member?—A. There was not as much as there was etween myself and a number of other members. There was more han there was between myself and some of the members.

Q. In what respect?—A. More—in order to make it clear to you—Ir. White, for some reason or the other which I do not pretend to xplain, was not popular with the members on my side of the house. n fact, that was constantly borne in upon me and brought to my nowledge by the members themselves. He was a man who took a reat deal of interest, apparently, in labor legislation. He was inter- sted in a number of bills. He wanted other bills prepared, and he vas, as I say, a new member, and he was not competent, apparently, o attend to those matters himself. No one seemed willing to help im and nobody did help him. He came to me. I took an interest n him along those lines and helped him during the session in the reparation of his bills and in the examination of the bills that he

was interested in and showed more courtesy along those lines tha I did any other single man on my side, because I felt sorry for him.

Q. He was a subject of pity, more or less?—A. No; not exactly pity. I felt grateful to him because he had stood by me and had voted for me, and was a staunch adherent of mine during the session and I felt grateful to him.

Q. And from January on——A. I felt friendly toward him fo that reason.

Q. A great many others had stood by you and voted for you, had they not?—A. Yes.

Q. You felt equally friendly toward them, did you?—A. I though he was a more fit object for my friendship, or subject for my friendship than other members who either were old members and verse in legislative ways, or who were better equipped mentally to tak care of themselves than he was.

Q. That is, there were a good many members of the Browne minor ity faction who were more capable of taking care of themselves men tally than he was?—A. Yes; there were, as I say, a good many—there were some—there were other members who were not any bette equipped mentally, but those members were, perhaps, men who di not take the interest that he did in legislation.

Q. That is, he was not what you would call a man capable o framing bills, and analyzing bills, and reviewing and preparin them; is that right?—A. He did not seem to be.

Q. And you assisted him?—A. I tried to.

Q. And by reason of that assistance you became a little bette acquainted with him during the session of the legislature than per haps you did with some others, is that correct?—A. I think that not correctly stated.

Q. Now, you saw him then, from the beginning of the legislatur on the 4th or 5th of January, if I have the dates correctly, in 190 until the adjournment of the legislature on the 4th or 5th of Jun 1909, quite frequently, in the way you have described?—A. I presum there was not a day passed when Mr. White was in Springfield, an I was there during that time, that I did not see him at least once.

Q. And that was well known; he was seen with you, was h not?—A. No, no.

Q. He was not?—A. No.

Q. You were not seen in conference together?—A. No.

Q. Or with each other?—A. Would you let me explain it to you

Q. Kindly answer it yes or no.—A. No.

Q. You either did see him or you didn't——

Senator BURROWS. Can you answer it yes, or no?—A. I can n intelligently.

Senator BURROWS. Well, let the witness answer.

Mr. AUSTRIAN. Yes.

The WITNESS. Now, the life of a minority leader is a busy one, he is a minority leader. I had my sessions at the house to attend and take care of. I had my committees to look out for and see th they were properly attended by members whom I thought cou handle the various subjects, because I could not distribute myse around to the different places. Whenever this work would be don I came to my room at the St. Nicholas Hotel, where I had a sui of rooms on the fourth floor—I think at first they were on the thi

oor, and then on the fourth floor. I had a room, a bathroom, and nother large room occupied by myself and A. J. Cermak, who was hairman of the steering committee under me. Now, I spent some ttle time in the lobby of the hotel visiting around with the members. Iost of my time was spent upon the floor of the house, in the committee meetings, and in my rooms at the St. Nicholas Hotel. Necesarily, therefore, unless it would be in my room, there would be very ew conferences between myself and any member, unless they were asual, that others would see.

Q. Mr. Browne, you were recognized as the leader of the minority, ere you not?—A. Well, yes, and no. I was recognized by my faction, Mr. Austrian, as the minority leader, and by the other faction was considered anything but a leader.

Q. You considered yourself a leader, did you not?—A. No; I id not. If I had been a successful one I think I would have been ble to amalgamate the two factions.

Q. How many members were there in the faction, Mr. Browne?—. My faction?

Q. How many members were there in your faction?—A. That hows that I was not a successful leader, because I started out with 9 and I finished with 37.

Q. How many were there in the Tippet faction?—A. Twenty-five o start with and 27 at the finish.

Q. They took 2 away from you?—A. They were not with me o start with, as a matter of fact.

Q. Now, Mr. Browne, from the beginning of the session until the nish did anyone report to you that this man White was trying to old up legislation?—A. No.

Q. Or that he was trying to gain money for legislation?—A. No.

Q. Or anything of that sort?—A. I heard nothing of that kind. he most that I heard—I could not tell you now of any single mem-er—but there were expressions of displeasure relative to him, to he effect that they did not like him, that he had a bad face, and hose things, things that did not appeal to me, and did not impress hemselves upon me at all.

Q. Now, as a matter of fact, you have told us all of the bad things hat you heard about him up to the adjournment of the legislature?—. I presume not.

Q. Tell us the rest.—A. If I heard anything else, Mr. Austrian, hey were things which went in one ear and went out the other, hich I considered of no importance.

Q. Did you hear anything about his trying to get money or trying to have legislation held up so as to procure money, or to take dvantage of the tabling of legislation?—A. No.

Q. Or anything of that sort?—A. No.

Q. As far as you know?—A. If I had——

Q. You would have taken hold of it?—A. I think I should have poken to him about it.

Q. You never had occasion to speak to him about it?—A. No.

Q. Now, Mr. Browne, you have told us pretty much, haven't you, ith relation to the relations that existed between you and Mr. White. s there anything more to add up to the adjournment of the legisature?—A. Yes.

Q. Anything else you think the committee ought to know?—A. don't know whether it is of any value to the committee or anyon else. If you desire to have it I will relate to you one incident tha perhaps throws a little light upon what you term "relationship."

Senator BURROWS. What was that question? My attention wa distracted for a moment.

Mr. AUSTRIAN. He is now going to tell us some further inciden that will throw light on the "relationship."

The WITNESS. I do that at the request of counsel, not considerin it myself as having any particular weight.

Mr. AUSTRIAN. Make it as brief as you can, if it has not an weight.

The WITNESS. Well, Mr. White was a street-car man—a street-ca conductor—when he was elected to the legislature. For some reaso or the other, during the progress of the session, he became possesse of the knowledge that he would not be reinstated in his job when h went back. He came to me, or Mr. Giblin, who was secretary on th minority side of the house, and I can't tell which—if it was M Giblin, why Mr. Giblin informed me—but I think Mr. White can to me personally and told me that that was the case, and asked m if I would not communicate with the street-car people, to see if h could not be reinstated——

Mr. AUSTRIAN. And did you write a letter?—A. I did, and the wrote to me and informed me in rather polite language that th considered it none of my business and that he would not be rei stated. I showed Mr. White that letter, and I think he kept it, b I am not sure if he retained it or not.

Q. The fact was that you interceded for him? If that is of a importance——A. Well, it was in line with what I had been tr ing to do, to help him.

Q. You have been trying to help him ever since you have know him; is that correct?—A. I have not been trying very hard recentl

Q. Up to the 1st of May of this year?—A. No; not up to the 1 of May of this year.

Q. Up to the 1st—to the 30th of April?—A. Nor up to the 30th April.

Q. Up to what time, Mr. Browne?—A. The last communic tion——

Q. No; just give me the date, up to what time?—A. I can't a swer your question that way.

Q. All right, we will pass that. Mr. Browne, do you remem the election of the United States Senator?—A. Do you mean the el tion of Mr. Lorimer?

Q. Mr. Lorimer.—A. Yes, sir.

Q. That was on the 26th of May, 1909?—A. The 26th day of Ma

Q. Did you have any talk with Mr. White on the 24th of Ma 1909, with reference to the election of the United States Senator? A. Will you repeat that question.

Senator BURROWS. Will the official stenographer read the questi

(Question read.)

A. Well, now, I can not answer that question because—do you the time and place?

Q. At any time or place?—A. I don't know. The matter m have been referred to between us, I can't tell you.

Q. Did you have any talk with Mr. White on the 25th of May at ny time or any place; at any time on the 25th of May and at any lace with reference to the election of United States Senator?—A. don't know; the subject may have been broached by one or the other f us, I don't know. I have no recollection on that subject.

Q. None at all; is that correct?—A. I think that is correct.

Q. Mr. Browne, did you go to Mr. White's room on the night of he 24th of May or did you send for Mr. White to come to your oom?—A. In the St. Nicholas Hotel, you mean?

Q. Certainly.—A. I did not know where Mr. White's room was.

Q. Well, I am asking you. Did you send for him or go to his room n the 24th of May?—A. I did not go to his room and I didn't send or him.

Q. And he did not come to your room?—A. And he did not come o my room, that I have any recollection of.

Q. Now, I will ask you whether or not on the night of the 25th of Iay did you send for him? Did you go to his room or did he come o your room in the St. Nicholas Hotel the 25th of May, 1909?—A. wish you would put those not so involved. If you will ask me one uestion at a time I will answer them.

Q. I will. Did you send for Mr. Browne to come to your room—Ir. White—at the St. Nicholas Hotel on the 25th of May, 1909?—A. have no recollection of anything of that kind.

Q. Did Mr. White come to your room at the St. Nicholas Hotel n the 25th of May, 1909?—A. He might have.

Q. At any time on the night or evening of the 25th of May, 1909, id you have any talk with Mr. White with reference to voting for Ir. Lorimer for United States Senator?—A. On the night of the 5th of May?

Q. Yes.—A. I have no recollection of anything of the kind, and hile it is possible that that subject may have been broached by one r the other of us to the other, I have no independent recollection ow of having even seen Mr. White that night.

Q. Will you say that you did not have such a conversation?—A. Iave what conversation?

Q. Any conversation with reference to the election of United tates Senator with Mr. White on the night of the 25th of May?—.. I am not saying that I did not casually meet Mr. White some-here on the night of the 25th day of May, and that subject of the ection of Senator Lorimer was not casually broached by one or the ther of us, because I do not know; it may have been and it may not; don't know.

Q. Mr. Browne, you remember meeting Mr. Beckemeyer and Mr. Vhite in the hallway of the St. Nicholas Hotel a night or two nights efore the election of Mr. Lorimer?—A. No; it was a longer time efore than a night or two nights.

Q. On the night that you did meet them in the hallway of the St. icholas Hotel, did you have any discussion with either one of them ith reference to voting for Mr. Lorimer for United States Sen-or?—A. Neither of them was in a condition to discuss that.

Q. Both were drunk weren't they?—A. No; Mr. Beckemeyer was ot drunk, Mr. White was; Mr. Beckemeyer had been drinking so hat he showed it plainly. Mr. White was badly intoxicated.

Q. And then you told Mr. White to go to his room, did you?—A. I did not tell him so. Mr. White——

Q. Well, that is an answer.—A. Well, pardon me a moment, I would like to answer this.

Senator BURROWS. Yes; the witness should answer it.

A. Mr. White was speaking very loud, talking very loud and Mr. Beckemeyer was listening. It was late; it was between 12 and 1 o'clock at night. I paused a moment. One of them, I presume spoke to me or I did to them, and I suggested that it was a bad time for them to be in the hall in that condition talking in that way and that they had better go to bed. I then went on.

Q. That was the entire transaction?—A. That was the entire transaction.

Q. You did not have a talk with Mr. Beckemeyer about it that night?—A. Oh, no.

Q. Or with Mr. White?—A. No.

Q. Now, when, for the first time, did you talk with Mr. White about voting for Mr. Lorimer, if at all?—A. Well, I can not tell you how long it was before the day of the election, but it was somewhere in the neighborhood of a week.

Q. That is a week prior to the 26th of May?—A. It may have been two or three days less than a week, and it may have been a day more than a week.

Q. That is, it was sometime between——A. A number of days before.

Q. Between five and ten days?—A. No; it was not ten days.

Q. Five and eight days?—A. Well, it might have been eight; I don't think so.

Q. You fixed eight yourself?—A. Yes, I know; but I don't think it was that long; it may have been.

Q. It might have been less than five days, too, might it not?—A. No.

Q. It was not?—A. No.

Q. When did you become active in the election of Mr. Lorimer?—A. What do you mean by "active?"

Q. Well, when did you become active in endeavoring to have Mr. Lorimer elected to the United States Senate?—A. Well, again, I say what do you mean by "active?"

Q. Well, you tell me what you did with reference to Mr. Lorimer's candidacy, if anything?—A. Very well. I think, probably two weeks or more—it might have been three—before the election of Senator Lorimer, another member in the house, a Republican, a friend of Mr. Lorimer's, came to me and broached the subject of Mr. Lorimer's election, and wanted to know what I thought about it, wanted to know how many of my boys, as he put it, or my fellows would vote for Mr. Lorimer. I told him at the time that it was a matter I had not considered at all. I told him that things had gotten in a condition, owing to the length of the deadlock, that a good many of them were willing to do anything within reason in order to end the condition. I told him that I could not speak for anybody but myself, and that as for myself I could not tell him whether I would be for Mr. Lorimer or not because I had not considered it and I would have to think it over. That was, as I say, possibly three weeks before the election.

Q. And might have been as late as two weeks before?—A. Oh, no.

Q. Didn't you just state, a moment ago, that two weeks or possibly hree weeks before?—A. I may have said so, but I do not recall now hat I used that expression in just that way. I think it was between wo and three weeks.

Q. Now, then, was Mr. Shannahan the first man that spoke to you bout it?—A. No——

Q. Well, who was it?—A. Wait a minute. I think, before this nan came to me——

Q. Well, who was this man?—A. Wait a minute; pardon me.

Q. No; I want the man's name so we will know who you are alking about?—A. Well, I can not answer more than one question t once.

Q. The question is, What is the man's name?

Judge HANECY. I submit, Mr. Chairman, he should be permitted o answer.

Mr. AUSTRIAN. I want to know the name of the man who came o you?

Senator BURROWS. The question you are answering is: What you id, if anything, with relation to his election. The reporter will ead the original question.

(The original question was read.)

A. I was about to suggest, Mr. Chairman and Mr. Austrian, that n second thought I think that before this man, to whom I referred, ame to me about the matter, that Mr. Shannahan one day, when we ere sitting in the house after the house had adjourned, and we were iscussing what was going to result from the deadlock, and deplor- ng the condition, I believe he did suggest something about Mr. orimer as a possibility; but it was a mere passing suggestion, and id not result in any discussion.

Mr. AUSTRIAN. And did not make any impression on your mind?— . No.

Q. It didn't make sufficient impression to have you consider him?— . No.

Q. Now, tell me——

Senator BURROWS. Have you answered all of that question you esire to answer?—A. No.

Senator BURROWS. The committee would like to have you answer hat question in full.—A. Now, I answered this man that came to ie in that way, and he came to me in my room in the St. Nicholas n the evening, by appointment made by himself, and started nswering him in the way that I have stated. I told him that I could ot at that time give him any answer even for myself, much less for ie men that he called " my boys," or " my fellows," but that I would ter if he wanted me to.

Senator GAMBLE. This conversation is subsequent to the one to hich you referred as having occurred with Mr. Shannahan?—A. es, sir.

Q. Mr. Shannahan was the first conversation?—A. Yes, sir.

Mr. AUSTRIAN. And this conversation was between two and three eeks prior to the 26th day of May, 1909?—A. That is my distinct ecollection. I did not charge my memory with it.

Senator BURROWS. Wait a minute. Have you given your entir answer to that question?—A. All that transpired that I can think o now, Mr. Chairman.

Mr. AUSTRIAN. What was the name of the man with whom yo had the conversation?—A. Edward Shurtleff.

Q. He was the speaker of the house, was he not?—A. Yes.

Q. Now, after this conversation with Mr. Shurtleff did you con sider the proposition which he had made, or suggestion?—A. I did

Q. You gave it very serious thought?—A. Yes, sir.

Q. And you talked it over, did you, with your constituency, o your "fellows," as you call them?—A. Well, first, before I tried t influence any member, or before, rather, I discussed it with any mem ber, I discussed it with myself and some of the members and some o my friends outside of the legislature to see what I would do myself

Q. And then when did you make up what you would do yourself when did you make up your mind as to what you would do your self?—A. Well, I can't tell you that, but I think possibly in th neighborhood of two weeks before his election.

Q. That is, within a week after your talk?—A. Yes, sir.

Q. You had about a week?—A. Yes; I don't know as I did; i was a short time.

Q. Did you have any discussion with Mr. Lorimer up to tha time; that is, two weeks before the election, with reference to hi candidacy?—A. Not to my recollection. I will suggest to you, Mr Austrian, that I never knew Senator Lorimer except to see him an by reputation; a mere passing acquaintance, that is, hardly a speak ing acquaintance, prior to possibly the expiration of the first thir of the session.

Q. Now, I will ask you that up to the time that you say you mad up your mind to be for Mr. Lorimer, which you say was about tw weeks prior to the 26th of May, 1909, did you have any talk wit Mr. Lorimer on the subject of his candidacy for United State Senator?—A. Not to my recollection.

Q. Now, after you made up your mind and after your talk wit Mr. Shurtleff and weeks or few days of consideration by yoursel did you have any talk with Mr. Lorimer with reference to his can didacy?—A. Yes, sir.

Q. When for the first time?—A. I can not tell you.

Q. Can't tell us how soon after you had made up your mind to b with him that you had a talk with him?—A. No; because I did no notify him first.

Q. Who did you notify first?—A. My recollection is that I gav Mr. Shurtleff an answer.

Q. And then how soon after you had given Mr. Shurtleff an an swer, did you have your first talk with Mr. Lorimer on the subject?— A. I can not tell you that.

Q. Well, was it a week before the 26th?—A. I can not tell you; am not going to guess.

Q. Ten days before?—A. I am not going to guess at it.

Q. You can not give any recollection how long afterwards?—A. can not, because the time was not long enough, and I can not say day or two days or what.

Q. It was two weeks?—A. I can't give you any intelligent answe

Q. You can tell us that you met Mr. Beckemeyer and Mr. White i

ıe hallway of the St. Nicholas Hotel some days, as you said, before ıe 24th day of May?—A. Yes.

Q. And still you can not tell us what time you had your first talk ith Mr Lorimer?—A. I can not, but I can tell you this much that was after I had the talk with Mr. Shurtleff, after I considered the ıatter myself. My opinion is, and best judgment is, that it was after had given Mr. Shurtleff his answer and it was some days after that; ıat is my best recollection now.

Q. Then, if it was some days after that it must have been within a eek or ten days or less of the 26th of May?—A. I would think so.

Q. You had a talk with Mike Link about voting for Mr. Lorimer, idn't you?—A. Why, I approached him on the subject.

Q. And Mr. Link had told you, didn't he, that he had beaten you to ; that Mr. Lorimer had talked to him first, didn't he?—A. I don't emember his language, but I do remember of his saying to me that e was committed to Senator Lorimer and was going to vote for him.

Q. And didn't he tell you that Mr. Lorimer had asked him whether e had any influence with you?—A. Repeat the question, please?

Mr. Austrian. Read the question.

(Question read.)

A. He may have, I do not recall it.

Q. Do you remember when that conversation with Mr. Link was?—. No; I can't tell you that.

Q. All right. Now, then, we come back to the time that you had our first conversation with Mr. Lorimer. You had then made up our mind to be with Mr. Lorimer, had you?—A. Yes, sir.

Q. And you had told Mr. Shurtleff of that fact, hadn't you?—A. es.

Q. And you had told Mr. Lorimer of that fact?—A. Conditionally.

Q. There was a condition?—A. Yes.

Q. And what was that condition, sir?—A. I stated to Mr. Shurtıff, and I stated afterwards to Mr. Lorimer, that I would not consent) having a single one of the Democratic votes that I had any influıce with, cast for Senator Lorimer, unless his election was an asıred thing. That I would not have those votes cast away absolutely. told him and I told them both that I should rely upon their words, ıeir words as men, to see to it that no roll call was started for the lection of Mr. Lorimer for senator until enough votes, all told, were ecured.

Q. Will you say if I understood your answer correct. The condiion which you imposed to Mr. Lorimer and Mr. Shurtleff was that o Democrat whom you had any influence with would vote for Mr. orimer for United States Senator until Mr. Lorimer and Mr. Shurtıff had assured you upon their honor as men that they had enough otes, together with your votes, to elect Mr. Lorimer; is that correct?—. No.

Q. Wherein is it wrong?—A. Because I was not delivering votes. told them that no one would with my consent. I did not carry round those votes in my pocket, Mr. Austrian. But I told them ıat none of them would be cast with my consent until that time.

Q. Was your consent asked whether or not the Democratic memers could vote for Mr. Lorimer?—A. Was what?

Q. Was your consent asked?—A. I was consulted, or consulted ıyself with every one of the men that did vote for him. No; I will

take that back. Not with every one. There was, perhaps, oh, may b 30 or 35 per cent of them, possibly, I did not see personally at all but that other members that were with me in the movement saw fo me or took it upon themselves to see.

Q. Did you see Mr. White?—A. Yes; I spoke to Mr. Whit about it.

Q. Did you see Mr. Beckemeyer?—A. I would like to explain hov I saw Mr. White, if you care to hear it.

Q. We will come back to it.—A. All right.

Q. Did you see Mr. Beckemeyer about voting for Mr. Lorimer?— A. I think I was given to understand by some one that Mr. Becke meyer was for Mr. Lorimer and would vote for Mr. Lorimer, an that for some reason or other I became in doubt on the matter, an that I spoke to him about it. Now, that is my recollection.

Q. You spoke to him about it on the morning of the 26th of Ma didn't you, right when the joint assembly was about to convene?—A I think I spoke to him about it the day before, first, if my recollec tion serves me.

Q. Didn't you speak to him about it on the morning of the 26th o May, after the joint assembly had convened?—A. Possibly I aske him that——

Q. Did not—I beg your pardon.—A. Possibly I asked him at tha time if he had experienced any change of heart or if he was going t vote for him.

Q. Did not Mr. Alschuler, Mr. Browne, the Democratic membe from Aurora, inform you that there was some doubt as to Mr. Becke meyer, and didn't he bring Mr. Beckemeyer up, and did not M Beckemeyer come up or you go to Mr. Beckemeyer and ask him wit reference to it?—A. That is possible.

Q. Did you talk with Charley Luke?—A. What about; voting fo Mr. Lorimer?

Q. Yes, sir.—A. I think I did.

Q. Did you talk to Mr. Shephard?—A. I think I did.

Q. Did you talk to Joe Clark?—A. Yes; I think I did.

Q. Mr. Browne, oh, yes; did you?—A. I would like to say at thi time the reason I answered saying I could not tell you when I spok to Senator Lorimer first about being for him is because that afte the determination had been made on my part to be with him, and had spoken to a considerable number of my people about it and ha been told how many there were others that were going to vote fo him, from that time on the meetings between Mr. Lorimer an myself and Mr. Shurtleff and a number of others were quite fr quent, but I can not tell you just when they started, nor I could n tell you the date of each one.

Q. That is all right, Mr. Browne. They started approximatel a week or ten days before the election?—A. Oh, I can not fix th time, Mr. Austrian, but it was not very long before the election, n many days, that those meetings started.

Q. Well, will you say from five to eight days; is that your reco lection of it? All I want is your best recollection.—A. Well, no if I was giving you my best judgment as to when I first spoke t Senator Lorimer personally about the matter, I would say it wa somewhere in the neighborhood of a week.

Q. A week?—A. Somewhere.

Q. What—and then you conferred with him frequently, did you ot?—A. Oh, yes.

Q. Every day?—A. I presume every night. The conferences were t night mostly. Every night during the stay in Springfield.

Q. Yes. And those conferences lasted some hours, didn't they?—. Sometimes they did, and sometimes there were a dozen of them n an evening.

Q. And you kept Senator Lorimer posted as to your movements ith reference to his candidacy, did you?—A. We all kept each ther posted, just as any other campaign committee would do.

Q. Well, I am asking you whether you kept him posted as to your ovements with reference to his candidacy?—A. I have answered at.

Q. Well, did you keep him posted?—A. We all kept each other osted.

Q. What I want to know is, did you tell Mr. Lorimer, the candiate for United States Senator, as to what you were doing toward rthering his candidacy?—A. I presume I did.

Q. Did you tell him from time to time who, if anyone, had pledged his ote for Mr. Lorimer to you?—A. Well, now, as to whether I went ver the list and told him specifically the ones at any one time, I an't tell you. I presume, however, that I did, but I did assure him, did finally assure him that there would be 30 Browne Democrats ote for him.

Q. That is, you gave him that assurance?—A. I gave him the ssurance that that would be the fact upon the best information that could gather.

Q. Now, Mr. Browne, did you have a list of those 30 Browne)emocrats?—A. What do you mean by a list?

Q. I mean, did you have a tabulation or record of the 30 Browne)emocrats who were going to vote for Mr. Lorimer?—A. I presume had several tabulations, because I went over them repeatedly and epeatedly and some I saw a number of times.

Q. But you know whether you had a list of the bunch you checked ff, the Browne Democrats, whom you agreed or said to Mr. Lorimer ould vote for him for United States Senator?—A. I told you I resume I had several such lists.

Q. Well, don't you know whether you had a list?—A. I told you presumed I had several of them.

Q. Well, I want to know; not your presumption, but if you have ny knowledge on the subject?—A. I have no distinct recollection f any particular tabulation.

Q. But you have a recollection of a tabulation?—A. I certainly ad tabulations of them.

Q. And one of those tabulations was in a book, was it not?—A. Not to my recollection.

Q. You didn't have them in a memorandum book that you checked ff from time to time?—A. I had no memorandum book.

Q. No book of any kind in which you kept this list of Browne)emocrats who were going to vote for Mr. Lorimer?—A. I may ave had one of the legis—I may have had one of the little handy eference legislative books containing the names of the members of he legislature, their places of residence, and other information, such s is useful to the men there in the house.

Q. Mr. Brown, when did you start to ascertain and round up if I may use the expression, these thirty Browne Democrats whom you later told Mr. Lorimer would vote for him?—A. Oh, a short time after Mr. Shurtleff broached the subject to me, a few days afterwards.

Q. You did not round them all up? You started. When did you finally conclude the inquiry or investigation or caucusing that resulted in that statement to Mr. Lorimer that you had thirty Browne Democrats who would vote for him?—A. I never told him I had thirty Browne Democrats that would vote for him.

Q. Well, thirty Democrats?—A. I never told him I had thirty Democrats that would vote for him.

Q. What did you tell him?—A. I told him that according to my best information that I could gather from talking with the members that there would be thirty Browne Democrats that would vote for him.

Q. Well, all right. When did you make that statement to him?—A. Well, I can not tell you that, but not later than the 24th of May and perhaps the latter part of the preceding week.

Q. It was between the 24th of May and the preceding week?—A. No; I didn't say so.

Q. Well, you said not later than the 24th of May.—A. That is right; but it might have been the latter part of the preceding week.

Q. And you can not give us any more definite information on that subject?—A. No, sir.

Q. Now, you said that some of those members you saw only once?—A. Some of them I didn't see at all.

Q. Of the Browne Democrats?—A. Yes; some of them I never spoke to about it.

Q. Will you tell us who you did not speak to about it, of the Browne Democrats?—A. Yes.

Q. Who?—A. I do not think I ever spoke to Mr. Abrahams about it; my impression is I did not speak to Mr. Forrest about it. I do not think I ever spoke to J. Geisgawich about it.

Q. The man Abrahams is the saloon keeper who testified on both the Browne trials, is he not?—A. I believe he is engaged in the saloon business.

Q. And he testified in the defense of Lee O'Neil Browne, did he not?—A. Yes, sir.

Q. Mr. Geisgawich is dead, is he not?—A. I am so informed.

Q. And what is the other member?—A. Forrest.

Q. Where does he come from?—A. Chicago.

Q. Did you ever talk with Mr. Wilson about it?—A. What Wilson?

Senator BURROWS. Pardon me. Do you not think it would be well to close his answer to that question?

Mr. AUSTRIAN. Oh, yes; pardon me. I thought he had finished. It is my mistake.—A. I may have spoken to George Hilton about it. I am not certain; I would be inclined to think I did not. I say I spoke to Charles Luke about it; I do not think I did; I think he spoke to me first about it, having heard of the movement, and I think he was the first one that spoke to me first, rather than me speaking to him; that is my recollection.

Q. Mr. Luke is the man who put in nomination Lawrence Stringer, wasn't he, for United States Senator on the Democratic side?—A. I

)elieve so. I am not certain whether I spoke to Mr. McGuire about t; I may have. I do not think I spoke to Edward Murphy about it. And there are a number of others.

Q. Do you have anyone——A. And the reason, I will say to you his, the reason I did not speak to them was not at all because I was ıot after their vote or not because I was not desirous of getting them o vote for Mr. Lorimer, but it was because——

(At this point Senator Heyburn retired from the committee.)

hey were approached and spoken to about the matter either at my :equest or otherwise by lieutenants, if you please, or associates of mine n the management of that side of the house, who were better acquainted with them or closer to them than myself.

Q. Now, among those lieutenants was Robert E. Wilson, wasn't ıe?—A. No; the closest men to me were Anton J. Surmack, who was :hairman of the steering committee, and my roommate, and John Wardell; those two men were closer to me than anybody else.

Q. But Mr. Wilson was one of your lieutenants, wasn't he?—A. No.

Q. He was not?—A. No.

Q. Did he make a trip to St. Louis for you?—A. For me?

Q. Yes.—A. No, sir.

Q. Did he go at your request?—A. No ,sir.

Q. At no time?—A. No, sir.

Q. Did he go as your substitute?—A. What do you mean by that?

Q. Well, because you could not go.—A. No.

Q. At no time?—A. No.

Q. Mr. Browne, you know that Mr. Wilson went to St. Louis on the 16th or 15th day of July, 1909, don't you?—A. Yes.

Q. And you know that you were to have been there, don't you?—A. No.

Q. You were not to have been there at all?—A. No; I regretted that I could not be there; I would have gone, but I was not well, with Mr. Wilson.

Q. And Mr. Wilson did not go at your suggestion, dictation, or direction, did he?—A. Not to my knowledge.

Q. Well, you would know if he went at your direction, would you not?—A. I think I would. I wasn't as much out of my mind at the time.

Q. And did you not write to various members of the legislature who were at St. Louis on that day that you were sorry that you could not get there, because you had ptomaine poisoning?—A. No.

Q. You didn't, eh?—A. No. I wrote to one or two—I wrote to one or two, possibly more, but I don't think so, regretting the fact that I could not be there with Mr. Wilson.

Q. Because you had ptomaine poisoning?—A. Well, I did not at the time; I was just recovering; I was just able to be up around. I went home—I think I went home to Ottawa, my home, that night; I am not sure whether that night or the next day.

Q. Now, Mr. Browne, I desire to ask you again if Mr. Wilson did not see some of the minority Browne faction with reference to getting the votes for Lorimer?—A. Oh, I don't know about that.

Q. Didn't he report to you the men whom he had seen?—A. I have no recollection of it.

Q. Will you say that he did not?—A. No; because of this, if you will pardon me. In all probability there were some members that were seen by a dozen of us, or I will say a half dozen of us, one after another, and I can not tell you who saw each one and who did not.

Q. Now, these 30 that you have mentioned as being the ones whom you notified Mr. Lorimer with respect to, I would like to have you call those off and give us the names of those 30 men?—A. Well, I will do my best. I may make an error; it won't be much of a one. Emanuel Abrahams. Pardon me if I check them as I go along, so I may know.

Q. All right.—A. J. R. Allison, George W. Alschuler, H. J. C. Beckemeyer. Now pardon me. Did you say a list of those that I notified Mr. Lorimer that I had?

Q. Yes, sir.—A. Well, I tell you——

Q. The 30?—A. I understand; I told you a while ago I was not sure that I ever enumerated the list to Senator Lorimer.

Q. Well, tell us the list you had in mind of the 30 Democrats.—A. That is what I am trying to do.

Judge HANECY. May I ask—I got the names and I was looking at my list—I got Abrahams, but I did not get two or three others.

A. Allison, Alschuler, Beckemeyer, Lee O'Neill Browne, Anton J. Cermak, Joseph S. Clark, James H. Corcoran, J. H. De Wolf, Martin J. Dillon, Michael Fahey, Edward D. Forrest, A. M. Foster, J. Geisga wich, Thomas Gorman, John Griffin, George Hilton, Edward J. Murphy, P. F. Murray, Henry A. Shephard, B. F. Staymates, P. J. Sullivan, John D. Walsh, John C. Wardell, Robert E. Wilson. I missed one somewhere; that is 29.

Judge HANECY. Mr. White.—A. Yes; that is right.

Mr. AUSTRIAN. Now, Mr. Browne——

Senator BURROWS. Pardon me until I ask him a question. You mentioned the name of Mr. Wilson?—A. Robert E. Wilson.

Q. Do you know where he is?—A. I do not, Mr. Chairman.

Senator BURROWS. Go on.

Mr. AUSTRIAN. Mr. Browne, I now desire to ask you whether you spoke personally with reference to this subject-matter, with reference to getting any one of these 30 men whose names you have mentioned to vote for Mr. Lorimer?—A. Whether I did what?

Q. If you spoke to any one of these 30 men, barring yourself, making 29, with reference to getting any one of these men to vote for Mr. Lorimer for United States Senator?—A. Let me see if I understand you.

Q. I will put it in another way. Did you ask Abrahams to vote for Mr. Lorimer?—A. My recollection is that I did not.

Q. Did you ask Mr. Allison to vote for Mr. Lorimer?—A. I think I did.

Q. Did you ask Mr. Alschuler to vote for Mr. Lorimer?—A. Yes; I think I did.

Q. Did you ask Mr. Beckemeyer to vote for Mr. Lorimer?—A. Yes; I spoke with him about it.

Q. Did you ask Mr. Cermak to vote for Mr. Lorimer?—A. No; I didn't have to; I told Mr. Cermak——

Q. You have answered it.—A. Well, I haven't answered it.

Q. Well, you say "No;" that is an answer.

Senator BURROWS. I think the witness ought to be permitted to nswer.

Mr. AUSTRIAN. Mr. Chairman, I have no disposition to cut the witess there, but if he says "No" it is not necessary for him to give us conversation.

A. I am not trying to give the conversation, but "No" is not an ıtelligent answer to the question, from my standpoint.

Senator BURROWS. The witness ought to be permitted to answer.

Mr. AUSTRIAN. Very well, go ahead.—A. No; I told Mr. Cermak s soon as I had made up my mind that I would entertain the view r the movement to elect Mr. Lorimer, I told Mr. Cermak how I lt about it and Mr. Cermak immediately agreed with me and said, ell, he heartily indorsed it and said he would be for Mr. Lorimer Mr. Lorimer was a candidate. Anyhow, that is as I understand now, as I recall it. He had a personal regard, a friendship, for me reason or other for Mr. Lorimer, something; I don't recall now bout the origin of it.

Q. Up to the time that Mr. Shurtleff had spoken to you you had personal regard or anything of the sort for Mr. Lorimer, had ou?—A. Oh, yes; I had.

Judge HANECY. He said Mr. Cermak.

Mr. AUSTRIAN. I am putting another question. I said, up to the me that Mr. Shurtleff spoke to you you were not with Mr. Lorner?—A. There was nothing in Mr. Shurtleff's conversation to ıuse any affection to bud or blossom in my system.

Q. There were no fruits and flowers in that conversation?—A. No; r any music.

Q. But there were fruits and flowers and music in other transacons you had with Mr. White?—A. You would have to be more ecific about it than that.

Q. In your trips with Mr. White there were fruits, flowers, and usic, weren't there?—A. Perhaps to a mind that had anything of a ve of the pleasant things of life perhaps there were music and owers, and perhaps that would be the understanding with such a erson.

Q. Well, I am referring to the trips that you made with Mr. hite across the lake that you yourself referred to as having fruits, owers, and music?—A. No; I did not see any fruits and flowers.

Q. Well, flowers and music?—A. Music and flowers.

Q. Well, flowers and music I put it.—A. Well, I did not.

Q. That was not a poetic trip, was it?—A. Part of it was very etic; yes.

Q. You did not look at it as one of the things that would elevate a ıture who looked only to the high ideals of life, did you, after you turned from your trip?—A. I looked at it, a part of it, as being a ry, very pleasant trip.

Q. You referred to it with reference to hell, didn't you, when you rote about it?—A. No, sir.

Q. Didn't you say "after the hell we have had?"—A. The vacaon which was not comprised in that trip, and what I referred to in hat you speak of now had reference more accurately and in fact ally to a time preceding, about twenty-four hours preceding or a day preceding the lake trip, and so far as Mr. White was concerned, day or two, two or three days after the conclusion of the lake trip.

Q. And on these lake trips, Mr. Browne, there were considerable o those things that men do not refer to as the higher ideals that yo have just tried to impress us with; is that correct?—A. No.

Q. Mr. Browne, did you see Mr. Clark?—A. Where?

Q. For the purpose of asking him to vote for Mr. Lorimer—Jo Clark?—A. I think that I did; yes, sir.

Q. Did you ask J. H. De Wolf to vote for Mr. Lorimer?—A. Yes I think I did.

Q. Did you ask Mr. Griffin—John, I think it is—John Griffin?— A. I am not sure whether I asked John Griffin or whether another per son asked him for me. I know that—well, I don't know; my impres sion is he spoke to me about it. Afterwards I presume I spoke t him.

Q. Did you ask Mike Link to vote for Mr. Lorimer?—A. broached the subject to him, and he replied as I have told you.

Q. That he had had a talk with Mr. Lorimer direct, didn't he He said he had beat you to it, didn't he?—A. I don't recall the term he used, but he informed me that he had already committed himsel to Senator Lorimer.

Q. You told him that Mr. Lorimer—or did he tell you that Mr Lorimer had asked him whether or not he had any influence wit Lee O'Neil Browne?—A. He may have, as I have told yon, and have no recollection of it.

Q. Did you ask Charles Luke to vote for Mr. Lorimer?—A. M recollection is that he spoke to me about it first.

Q. And then you spoke to him about it second, didn't you, or afte wards?—A. Well, I presume so; yes.

Q. Did you ask Robert E. Wilson to vote for Mr. Lorimer?—A. do not recall whether I did or whether he knew of the movemen and simply commenced to discuss it with me; I can't tell you.

Q. Did you ask Charles A. White to vote for Mr. Lorimer?

(Senator Heyburn returned and took his seat with the committee.

A. Well, a few days before Mr. Lorimer's election I broached th subject to Mr. White. The reason I was hesitating then, I was try ing to fix the place where I had this talk with him. I am not sur my recollection is that it was somewhere in the lobby of the S Nicholas Hotel in the daytime or early evening—I think in the day time. I broached the subject to him, and Mr. White informed m at that time, in substance, that he was going to vote for Mr. Lorimer that he had told Mr. Lorimer so himself; that he had spoken to M Lorimer amout it, and he told me why he was going to vote for him

Q. Is that the only talk you have had with reference to his votin for Mr. Lorimer?—A. Well, now, I can't say as to that. I presum that between that time and the time of Mr. Lorimer's election it very possible that Mr. White may have broached the subject to m or rather the matter may have been mentioned between us not onc but more times than once. I don't know, I have no recollection of i

Q. That is between the 24th and 26th of May; is that correct?— A. I don't say that. I say between the time I first spoke to M White about it, and the time of Senator Lorimer's election, it is ver possible, in fact it is probable, that the matter was mentioned betwee us.

Q. Well, didn't you just tell us that the first time that you talked o him on the subject was within a couple of days prior to Mr. Lorimer's election?—A. I never said anything of the kind.

Mr. AUSTRIAN. Will you read back, Mr. Reporter.

(Question and answer read as follows: "Q. Did you ask Charles A. White to vote for Mr. Lorimer?—A. Well, a few days before Mr. Lorimer's election I broached the subject to Mr. White.")

The WITNESS. Now, was I right or wrong?

Q. A few days. When would you say that few days was?—A. I an not tell you.

Q. Well, how many days?—A. Well, I would say that it was less han a week, how much less I can not tell you.

Q. Now, will you tell us every conversation you ever had with Charles A. White from a few days before up to and including the late of the election of Mr. Lorimer, on this subject?—A. I have told ou all I can remember; the only conversation that I have any ecollection of.

Q. Oh, yes. Then that is every conversation you recall you ever ad with Mr. White?—A. That is the only one I have any distinct ecollection of at this time, but I have not told you all of that conver- ation.

Q. Well, tell us the rest of it. I thought you had.—A. He said o me that Mr. Lorimer was a friend of organized labor; that is, that e had that reputation, and he was told so by men prominent in abor circles; that Mr. Lorimer had come up from a street-car man imself and that he was one and that he felt very kindly toward im. That was in substance.

Q. Is that all the conversation?—A. Oh, I presume not, but that s all I can recollect.

Q. And that is the only conversation you ever had with Mr. White n that subject that you can recall?—A. That I now have any recol- ection of.

Q. Now, Mr. Browne, were you in St. Louis on the 21st day of June, 1909?—A. Yes, sir.

Q. What members of the legislature did you meet in St. Louis on hat day?—A. I met Harry Shephard—or Henry Shephard, prop- rly speaking; we knew him as Harry in the House—Henry Shep- ard; I met Michael S. Link; I met, I think I met, Mr. Beckemeyer; I met Charles Luke. I had somewhat of an impression that I met Joe Clark there, but Joe says that I didn't, and I think, after thinking t all over, I think Joe Clark is right; I do not think I saw him here.

Q. Anyone else?—A. No; not that I recall now.

Q. Let use see if I get it right. Beckemeyer, Shephard, Link, Luke, and, you thought, Joe Clark?—A. No; I say that was my first mpression; but Joe Clark is positive that I did not, and, thinking it ver, I am satisfied he is correct and that he was not there at all.

Q. That is on the 21st of June?—A. I think so.

Q. Do you know he was down in St. Louis and met Mr. Wilson n the 16th of July?—A. No.

Q. You don't know?—A. No.

Q. Wilson never told you?—A. I didn't say that Mr. Wilson ever told me; he may have told me.

Q. Well, what do you say about it?—A. I have no recollection of him saying anything.

Q. You don't recall whether you and Wilson——A. I do not recollect any conversation I had with Mr. Wilson on that matter as to who he met specifically.

Q. Mr. Browne, where did you meet these several gentlemen, whom you met in St. Louis on the 21st of June, whose names you have mentioned?—A. I had a room at the Southern Hotel. I have an idea I have an impression that I met one of them, possibly two, in the lobby. I might have got that confused, however, with another trip down there, prior to that, when I met a number of the southern Illinois fellows. But, anyway, I met them in my room.

Q. You met them in your room at the Southern Hotel?—A. Yes sir.

Q. Did you meet them there by appointment?—A. Yes; yes, sir.

Q. Did you write to them or wire them or telephone to them to meet you there on that day?—A. I do not think that I personally sent a single notification; indeed, that is my recollection; I may be in error about that, but I do not think I did.

Q. At any rate, you met them?—A. I caused them to be notified yes, that I was going to be there.

Q. At St. Louis on the 21st day of June?—A. That is my recollection; yes.

Q. You had met Mr. White, in Chicago, at the Briggs House on or about the 16th day of June, hadn't you?—A. Oh, no. I went to Chicago—I went to Chicago on the 15th day of June, and I was in Chicago from the 15th day of June until the 19th day of June. Mr White was there on the 13th; came on the 13th and stayed until the 17th. Now, he was in the hotel during that time, and I give you those dates, not from any independent recollection of my own, but merely from consulting or looking at the hotel register. I have a recollection of his being there along at that time and my being there.

Q. And did you tell Mr. White that you were going down to St Louis after you left Chicago in a few days?—A. Did I tell Mr White that I was?

Q. Yes.—A. No.

Q. You met Mr. White here between the 13th and 17th of June didn't you?—A. Where?

Q. In Chicago, at the Briggs House.—A. I did not meet Mr. White until I went there on the 15th.

Q. Yes. And you met him that day or the next day, did you not?—A. My impression is that I met him between the 15th and the day that he went away, the 17th; my impression is that I met him several times in the lobby or about the hotel.

Q. That is what I am asking you; when you met Mr. White at the Briggs House, on the 15th or 16th or 17th of June, 1909, did you not tell Mr. White you were going to be in St. Louis?—A. No; nor any other time did I tell him.

Q. At no time?—A. No.

Q. You were not friendly enough with him to tell him, were you?—A. Certainly, I was friendly enough if I had any occasion to relate my business to Mr. White; I might have done it.

Q. What was your business in St. Louis?—A. What is that?

Q. What was your business in St. Louis?—A. My business in St. Louis was to see these members whose names have been mentioned.

Q. What for?—A. Well, I came to Chicago in the first place from Ottawa. I saw a number of my friends in Chicago during the few days I stayed there. I did not go directly to St. Louis from there; I went to Springfield. I had business before the board of pardons, or you can't say it was the board of pardons, because they were not in session, but with Mr. Snively, who is the clerk of the board of pardons, and some other business at the statehouse that would occupy some little time. I left Chicago on the 19th, went to Springfield; I met a number of my friends there; I transacted my business, what I had to transact, and then I went to St. Louis from there on the morning of the 21st and took an early train, my intention being to stay there two or three days. Now, if you ask me why, I don't know as I can make it clear to you, if you have not been in the political game yourself.

Q. No; I am asking you why you were in St. Louis?—A. Well, then, I am going to try to show you, but I say I don't know if I can make you understand.

Senator FRAZIER. Perhaps the committee has been sufficiently in it so they can understand you.

The WITNESS. I beg your pardon, Senator, if I overstep the bounds.

Senator FRAZIER. That is all right; detail it to us, and we will try to comprehend it.

Senator BURROWS. Do the best you can.—A. Beg your pardon, Senator. Now, these men I had sent those notifications to, caused them to be sent to, were all men that had been with me, stood by me through this session of 1909, which, by the way, was an extraordinary one, a very stormy one for all of us, and I intended to be a candidate for the legislature again; I intended to run for the minority leadership again if permitted. I intended to say in the political game if permitted. Furthermore, there was coming up almost immediately the question of the distribution in Illinois of minority patronage from the governor. Where the governor stood, whether with our crowd or so-called Sullivan crowd, was a mooted question and was very difficult to determine. I discussed the matter with my friends in Chicago and discussed it with some of my friends in Springfield, as I now recall. And I wanted to see the boys down there to see if any—among other things—to talk the matter over to see if there was anything we could do to get into the good graces of Governor Deneen and land some, or at least a part, of these minority appointments. I afterwards saw Governor Deneen along that line. Now, that was my object in going to St. Louis.

Q. And that being your object, Mr. Browne, you picked Mike Link as a man to talk it over with?—A. Yes, sir.

Q. And you picked Mr. Beckemeyer as a man with whom to talk that object and purpose over?—A. Yes, sir.

Q. Mike Link was one of the strong men of the house, of your faction, was he?—A. Mike Link was strong enough to represent a district of Illinois in the legislature; Mike Link was strong enough to vote for me and stand by me staunchly through the session. Mr. Beckemeyer the same way. They were strong enough to have been true up to that time. They were representatives of large constitu-

encies in southern Illinois and entitled to my consideration and respect as such, and they formed a part of my working force, the only force I had.

Q. Yes; but they were only six or seven of the force you had of the thirty, weren't they?—A. Yes, sir. But in order to understand that matter, you must recall that there were three meeting places in Illinois for members, at least my members; that was St. Louis for the southern Illinois Democrats——

Judge HANECY. You said three places in Illinois.—A. That is what I said. Well, I should have said in Illinois; St. Louis for those from southern Illinois——

Judge HANECY. St. Louis is not in Illinois.

Mr. AUSTRIAN. We know what you mean; go ahead, Mr. Browne.

Judge HANECY. We all know, but then he was using a word that would go in the record here.

A. Well, there were three places, then, that we used or picked upon habitually by the Democrats for meeting places; that is, the Illinois Democrats, those from southern Illinois at St. Louis; those from central Illinois at Springfield; those from northern Illinois at Chicago. Now, outside of Charles A. White and Joseph Clark, the men I met at St. Louis that day were the only ones of my followers in southern Illinois.

Q. And you met all those southern Illinois fellows at St. Louis on that day, is that right, by appointment?—A. I met the four that I have told you of.

Q. What four, I thought you mentioned five?—A. No; Shephard, Link, Beckemeyer, Luke. White was not there, Clark was not there.

Q. Where did you meet Mr. Clark?—A. I did not meet Mr. Clark.

Q. At no time?—A. No; oh, what did you mean, at no time?

Q. No time around the 21st day of June?—A. No.

Q. Then you overlooked Clark, eh?—A. How do you mean?

Q. I mean you had not conferred with that member of your southern constituency?—A. Oh, I am satisfied, although I have no independent recollection of it, Mr. Austrian, I am satisfied that Mr. Clark and Mr. White both received a notification of that meeting in some way, but they were not there.

Q. Now, Mr. Browne, what did you talk over with Mr. Link, Mr. Luke, Mr. Beckemeyer, and Mr. Shephard, when you met them at the Southern Hotel by appointment?—A. Well, I have told you the purpose of my going——

Q. I am asking you for the conversation?—A. Well, I can not give it to you.

Q. You can not?—A. No, sir.

Q. Can you tell us what you told to Mr. Link, or Mr. Link said to you?—A. No.

Q. Can you tell us what you said to Mr. Beckemeyer or Mr. Beckemeyer said to you?—A. No.

Q. Can you tell us anything you said to any one of these men or any one of these men said to you at that conference that you had with them in the Southern Hotel, at St. Louis, on the 21st day of June?—A. You ask me if I can detail any specific conversations there, in substance or in words, I say no; if you ask me what we talked about, I can tell you.

Q. Well, tell us?—A. I have; just what I went there to talk about

Q. And nothing else?—A. Yes, sir.
Q. Anything else?—A. Yes, sir.
Q. Well, tell us the rest?—A. Why, I remember we discussed—like Link and I discussed the question of pacing horses for one hing and stock, and I remember that I had the intention when I ent down there of staying a couple of days. I had never been in t. Louis but twice in my life, and I was prepared to stay a couple f days there and visit in the town if any of them would have stayed nd been a companion, or all of them; but none evinced any disposi-on, either business matters or something else prevented, and I left iat night.
Q. How long was this meeting with Mr. Link that you have just etailed in your room at the Southern Hotel?—A. Oh, I can not tell ou; they were in and out. We were there around, all of us together, veral hours, I presume.
Q. How long was Mr. Shephard in your room?—A. I can not tell ou that.
Q. How long was Shephard in your room?—A. I can not tell you iat, but it seems to me—it seems to me that Shephard was the last ian I saw with me; I can not tell you that.
Q. You have no recollection of the time Shephard spent with ou?—A. Oh, no; there was nothing that would fix that in a man's iind in a multitude of events.
Q. If Shephard said he was with you five or ten minutes, would ou say his statement was correct?—A. I would say Shephard was istaken.
Q. You would say he was there much longer?—A. Now, I think ie first person I saw that day was Shephard; that is my recollection. think Beckemeyer came to the room while Shephard was there, nd I think Beckemeyer left while Shephard was there. Now, this to the best of my recollection, and it may be entirely wrong, but iat is my recollection, and I would say that Shephard was there con-derably longer than five or ten minutes.
Q. And Beckemeyer left while Shephard was there; is that your collection?—A. That is the way it seems to me.
Q. Now, as a matter of fact, don't you know that Joe Clark was iere and had his feet cocked up on the radiator in your room while eckemeyer was in the room?—A. No.
Q. No recollection of Joe Clark being in the room at all?—A. Not iat day.
Q. Not that day?—A. No.
Q. Well, any other day, on or about the 21st of June, in the St. icholas—I mean the Southern Hotel?—A. No; nor in the month f June.
Q. Nor in the month of June. Nor in the month of July?—A. If e was, I have no recollection of it.
Q. Mr. Browne, how long would you say that Mr. Luke was in our room?—A. Oh, I can not tell you now. Charley Luke was and out. I think Charley Luke, probably from the time I first w him until he disappeared finally, I did not see him again, I pre-ime, perhaps about three hours.
Q. Between the times you saw him, or do you mean to tell us he as in the room?—A. From the time I saw him until the last I saw m.

Q. I want to know how long he was in the room?—A. I can not tell you that.

Q. You can not?—A. I say he was in and out.

Q. Was Charley Luke in a sober condition that day?—A. Yes; Charley Luke was sober. I won't say that Charley Luke was not taking a drink occasionally, although I do not know whether he was or not, but Charley Luke was sober.

Q. Wasn't he rather boisterous that day, Mr. Browne?—A. No.

Q. Very quiet, was he?—A. Oh, no; Charley was never quiet. Charley was a sociable, brilliant young fellow.

Q. Don't you remember Beckemeyer—one of the reasons Beckemeyer gave you for leaving your room that day was because Charley Luke, as he was referred to, was drinking a good deal, and Beckemeyer said—Beckemeyer left on that account?—A. Oh, no; oh, no.

Q. Well, Browne would not leave either?—A. Well, Browne was not drinking.

Q. Well, Browne would not leave on that account?—A. Why, I am not in the habit of leaving when I am host.

Q. You were host that day?—A. Why, apparently.

Q. Well, you know, not apparently?—A. Well, I think I was.

Q. Now, if Beckemeyer says you gave him $1,000 on that day, is that correct?—A. No, sir.

Q. You did not?—A. No, sir.

Q. Beckemeyer lies, does he?—A. Oh, I do not say that.

Q. Well, if he says that, and you say——A. No; I do not think Beckemeyer lies. When a man has made that statement, Mr. Austrian, after having been put through what he was, I do not consider that he lied; and when he has to stick to it thereafter. or be subjected to the pains and penalties of perjury, I have got a little charity for him.

Q. You have?—A. Yes.

Q. Now, did you pay Beckemeyer the $1,000 or didn't you?—A. I said no.

Judge HANECY. I submit that he says he did not.

Mr. AUSTRIAN. Did you pay Link any money that day?—A. No, sir.

Q. Then if Link says you paid him a thousand dollars he lies?—A. No.

Q. He does not lie. either?—A. I don't know but what if I had to go through what Michael Link went through in the office of the State's attorney, working under your instructions and directions, and the paper you represent, I do not know but what if it had been absolutely false I would have fallen for it myself, and would have been willing to do most anything in order to get to my home and family, if I had one.

Q. Mr. Browne, that speech that you have just made——A. That is not a speech.

Q. You have made under oath, haven't you?—A. Yes, sir.

Judge HANECY. I submit, Mr. Chairman——

Mr. AUSTRIAN. He has one counsel to represent him.

Q. Mr. Browne, do you know of your own knowledge any instruction or direction ever made by me to any public official in the county of Cook at any time?—A. I know it came out during the trial of my cases that you were the attorney for the Tribune Company, and that

ou drew up the Tribune contract. Whether or not that is correct I o not know.

Q. Well, do you know of your own knowledge or have you ever eard that I participated in any degree other than the drawing of ıe contract in question?—A. Yes; I have heard so.

Q. From your lawyers, eh?—A. Oh, no.

Q. Well, from whom?—A. Why, it has been a matter of general ɔmment all over Chicago.

Q. Mr. Browne, you have put people through the same ordeal ourself, haven't you, that you have referred to, as Link and Becke- ıeyer have been put through?—A. Not only I have not, Mr. Aus- ·ian, but I do not think a parallel case exists in the history of the tate of Illinois.

Q. You have browbeaten lawyers who have tried cases against ɔu for years, haven't you, or endeavored to, sir?—A. Not to my nowledge.

Q. You have often gone so far as to browbeat lawyers that they ave shot at you down in your home town, haven't they?—A. Not to ıy knowledge.

Q. Mr. Browne, Mr. Conway protected himself against your on- aught with a revolver, didn't he?—A. Never.

Q. And he never shot at you?—A. Never.

Q. And never had any——A. The only shooting or altercation ıat he ever engaged in in his life was when a man who was properly ıtraged started for him with a revolver, and the man did not get his ·volver as quick as Conway got up the alley.

Q. And you were not a party to that transaction?—A. I do not now whether I was.

Q. And Conway never did shoot at you?—A. Never in the world.

Q. Or engage in any altercation with you?—A. No—oh, alter- ıtion?

Q. Yes.—A. I do not know a man in Ottawa he has not had an tercation with.

Q. And you are included?—A. Yes, sir.

Q. Mr. Browne, you are known as one of the bad men of Ottawa, ·en't you?—A. Why, the vote at the primaries doesn't show it.

Q. How much money did the votes at the primaries cost you?

Senator Burrows. Wait a minute.

A. I would be willing to answer.

Senator Burrows. Do you think that is proper?

Mr. Austrian. I do not; I do not think that is proper, neither do think the remark of the witness is proper.

Senator Burrows. Well, proceed.

Mr. Austrian. Mr. Browne, you know that Link and Beckemeyer stified that it was only after they had been indicted for perjury ıat they told the truth in reference to the transactions they had ith you, you know that?—A. No; I don't know that.

Q. You have been reading the transcript of the proceedings taken ·fore this committee, have you?—A. No, sir.

Q. You have been in attendance here almost continuously for the st four or five or six days, haven't you?—A. I haven't been near ıis building until last Monday.

Q. Well, to-day is Thursday; that is the last four days.—A. Mon- ıy afternoon.

Q. And you have been constantly in attendance since then, haven' you?—A. Yes; I have been constantly in town most all of the time with the exception of running in and out of town upon three occa sions since this inquiry started and for a few days before.

Q. Tending to show what?—A. Tending to show nothing, just t show my whereabouts.

Q. Mr. Browne, did you know that Wilson was going to St Louis?—A. Yes, sir.

Q. Who advised you of that fact?—A. He advised me of it him self.

Q. When?—A. Before he went.

Q. Sent you a telegram?—A. No; I was in Chicago, as I told you and had been for a week, sick with ptomaine poisoning, at the Brigg House. I was just up and around and in a very weak condition.

Q. Yes.—A. I think I went home that night. I am not sure a to that.

Q. Yes. Now, you have been intending to go—you had intende to go to St. Louis with Wilson?—A. No; I did not intend to do any thing of the kind.

Q. Did you expect to go to St. Louis?—A. No; I did not know that he was going to St. Louis until practically the time that he went

Q. Well, he went on the 16th or 17th of July, didn't he?—A. I can not give you the exact date.

Q. You have no remembrance of the time?—A. I know it was in there somewhere.

Q. Well, let me understand you. When did you reach Chicago?— A. When?

Q. In July?—A. In July.

Q. Yes.—A. Well, now, I would have to think. I am not sur whether I went back to Chicago on the night of the 14th—back t Ottawa from Chicago on the night of the 14th of July or the 15t of July, I can not tell you.

Q. Do you know when Wilson left Chicago for St. Louis?—A. No My knowledge of the testimony on the two trials of my case woul indicate to me that he went down there, I think, on the 14th.

Q. The 14th of July?—A. I would think so.

Q. And you left Chicago when for Ottawa?—A. Well, I do no know whether it was on the day he left for St. Louis or the next day

Q. Either the day he left for St. Louis or the day after?—A. I think so.

Q. Well, when you saw Wilson, did you leave—when did you se Wilson before he left?—A. Well, my recollection is that I saw hi that day that he left.

Q. And you knew he was going to St. Louis?—A. I knew it a short time before he went that he was going.

Q. What do you mean, "a short time," the same day, or "a shor time," a few days before?—A. No, no, no; my recollection, my bes recollection is that I did not know it until that day.

Q. That day?—A. Yes.

Q. Did you and he discuss it?—A. No; I have tried to refresh m recollection as to whether I knew the purpose of his going to S Louis before he went, or whether he told me after he came back, I can not be sure about it.

Q. You don't know whether he disclosed why he went before he vent or not?—A. I knew he was going down there to see the southrn Illinois members, I knew he was going down there to see the outhern Illinois members, but whether or not he disclosed to me efore he went his exact purpose, or whether he did that after he eturned, I am not sure.

Q. Do you know whom he was going to see there?—A. Yes.

Q. Who?—A. The southern Illinois members.

Q. The same ones you mentioned before?—A. Yes, sir.

Q. Including White?—A. Yes.

Q. And Clark?—A. Yes, sir.

Q. And the ones you have mentioned?—A. Yes, sir.

Q. Now, do you know what his purpose was in going there?—A. I now what he told me.

Q. And what did he tell you?—A. He told me—now, in order to nake it clear to you, Doctor Allison had spoken to him, and I guess to ne or two others about the advisability of giving me a banquet. Now, I am trying to tell you just how I am concerned. I am serious bout it, Mr. Austrian, of giving me a banquet there in Ottawa or Chicago, one place or the other, and only giving invitations to the Democratic members that belonged to my crowd. I had frowned pon that proposition, upon the theory that it still further divided he two factions of the Democrats, and still more, prevented any malgamation of them in the future. I told him I did not want nything of the kind done. He took the matter in hand himself. Ie told me there before he went, or after he went, that his purpose n going to St. Louis was to see these men and discuss the matter with nem.

Q. The banquet?—A. Yes; now, that is what he told me, and he old me that he had talked it over; he told me they had left it with im to do as he and the fellows in the north end of the State saw est.

Q. Now, Mr. Browne, if Mr. Wilson was going to St. Louis to talk ver the question of giving a banquet for you, why should you be resent at the time that matter was discussed?—A. There would be o reason in that that would warrant my being there; on the con-rary, modesty would suggest that I would not be there; but as I xplained to you a little while ago, the object of my visit down there ith them in June, his going down, my being at Chicago at the time, would have gone down with him well enough, in order to see them et in touch with the men.

Q. You just saw them less than three weeks before?—A. That is ery true.

Q. You had seen them on the 21st of June?—A. I used to see the oys up in Chicago every week, every two weeks.

Q. You used to come to Chicago every week or two?—A. Not alays; sometimes I did, sometimes a month, sometimes a week, maybe very week for several weeks.

Q. But Chicago was the place where you made your headquarters, asn't it?—A. No, no, no.

Q. You had never been to St. Louis before you went there on the ist of June, 1909, had you?—A. Oh, yes; oh, yes.

Q. How often?—A. I had never been there in the neighborhood the session of 1909, of that year, rather, I had never—well, it was

not that year; I was there a little bit before the session of 190 opened.

Q. And that is the only time, isn't it?—A. It was the only time for a considerable period of time.

Q. I understood you to say that you had only been in St. Louis once or twice?—A. Twice.

Q. In your life?—A. Twice to my recollection.

Q. Prior to the 21st of June, 1909?—A. Twice to my recollection unless just before the session opened.

Q. In December or November, 1908?—A. Yes. And once after I became a member of the legislature, but several years before when an investigating committee went down there.

Q. Three or four years ago, those are the only two times?—A. Yes I may have been there. but those are the only two.

Q. Now, you have been with these gentlemen, Shephard, Link Clark, Luke, and all the fellows you mentioned, and Wilson, continuously, from the 4th day of January—when I say continuously, I mean every day up to the 5th day of June?—A. The 4th day.

Q. The 4th day of June, 1909?—A. Yes, sir.

Q. And then you saw them on the 21st day of June for the purpose——A. Yes.

Q. For the purpose of talking politics in the Southern Hotel?—A. Yes.

Q. And you would have gone there again on the 15th day of July would you?—A. Yes, sir.

Q. For the same reason?—A. Yes, sir.

Q. And you were a busy, practicing lawyer down in the central part of Illinois, weren't you?—A. Well, I am very much afraid that my law practice has not been helped very much by my political aspirations and doings in the past ten years.

Q. Yes; but you were a busy lawyer, that is, a busy lawyer in Ottawa, Ill., weren't you?—A. Good for the country law practice.

Q. One of the best, isn't it, in Illinois?—A. No.

Q. It is not?—A. No.

Q. Now, when Wilson went down there, you knew that he was going?—A. I told you about that.

Q. Yes, sir. That is all I want you to say, that you did. And then you saw Wilson there immediately before he went, when he disclosed the purpose of his visit, or after he came back, when he disclosed the purpose of his visit, is that correct?—A. He either disclosed it before he went or after he came back before I knew of it.

Q. And you say that the only purpose of his visit was the giving of the banquet to you?—A. I do not think so.

Q. What other purpose did he have?—A. I don't know.

Q. The only purpose that he disclosed to you?—A. Yes, sir.

Q. Well, why did you write to White on the 16th day of July that you were awfully sorry that you were unable to be with him yesterday forenoon in St. Louis?—A. Because it was true.

Q. You were sorry to be with White; is that right?—A. Yes, sir.

Q. Even though the only purpose of the visit, so far as you knew on the 16th day of July, when you wrote that letter, was the fact that they were discussing the banquet for you?—A. That was not the purpose I would have seen White for.

Q. What would you see White for?—A. The same thing I went own there before, simply a political gathering with my adherents.
Q. That is all. Now, Mr. Browne, if these gentlemen saw Mr. Vilson, did you meet them after the meeting at St. Louis—that is, hephard, or Clark, or Link, or Luke?—A. I saw Wilson every once awhile.
Q. Not Wilson; I say Shephard or Clark. Did you meet Shepard after he met Wilson in St. Louis, on the 16th day of July?—A. et me see if I understand. Did I meet Shephard in St. Louis?
Q. Did you meet Shephard after his visit with Wilson?—A. Now, t me see. Oh, yes; I have met Shephard since that time frequently.
Q. You met him at the special session, didn't you?—A. I met him t the special session; yes, and I met him down at St. Louis at the emocratic convention on the 19th of this—the 19th of September; think it was the 19th.
Q. And you met the other various members who met Wilson in t. Louis, didn't you?—A. I have met them all since; yes.
Q. Did you ever discuss with any of them their visit with Wilson St. Louis?—A. I have no independent recollection of having one so.
Q. Your recollection is that you never discussed with them?—A. o; it is not. I do not know whether I did or not.
Q. What is your best recollection; did you or did you not discuss ?—A. I have no recollection on it.
Q. White never told you that Wilson gave him any money down St. Louis?—A. White never told me?
Q. Yes.—A. White never told me that anybody gave him any oney.
Q. Did White discuss with you his visit in St. Louis in July?—. No.
Q. It was after that visit in July with Wilson that you and White ade some trips across the lake, wasn't it?—A. No, Mr. Austrian; at it not putting it correctly.
Q. Well, when did you make the trip?—A. You are right as to the ate. Mr. White was notified to go along with myself and a friend f mine, upon the lake. I did not go with White; Mr. White went ith myself and the friend of mine on the lake.
Q. Well, now, then, put the question again. It was after White's isit to St. Louis?—A. You mean Wilson's.
Q. No, no; White's visit to Wilson at St. Louis that you and White ade trips across the lake; is that correct?—A. Yes.
Q. Now, Mr. Browne, what did you mean when you said to White your letter to him of the 16th day of July, 1909, that you hoped he fairly prosperous? Hadn't he been prosperous prior to that me?—A. No.
Q. He had not been?—A. No.
Q. He had been just the opposite, hadn't he?—A. No; White had eplored the fact that he was going back to St. Louis without a job, nd we had discussed in a general way—first, I told him I had writ- n to the street-car people for him; my recollection is that I told im I would do what I could toward securing him a job, toward elping him, and just as soon as I could I did it; tried to get him a ob, and that was my effort from the time the session closed—to try nd do something to help him.

Q. Yes; but I am not asking you that, Mr. Browne. Did you ever write a letter for Mr. White inquiring with reference to a position or otherwise after the 15th day of June, 1909?—A. Sure.

Q. When?—A. I went to Chicago, or came to Chicago rather, and I think I saw Senator Lorimer upon two different occasions, and saw Mr. Monaghan upon one occasion. I saw some other friends of mine, and I met several friends to secure a job for Mr. White, and finally succeeded in getting him the one you know of.

Q. The one embodied in the correspondence introduced in evidence?—A. Yes, sir.

Q. I am talking about the street-railway company. Did you intercede, as you put it, for White with the street-car company?—A. Yes sir.

Q. That was all prior to the 15th day of July, wasn't it?—A. Yes sir.

Q. And up to that time, so far as you know, White was not only not prosperous, but just the opposite?—A. No; I don't know anything of the kind.

Q. You do not know anything about it?—A. No; I don't know that.

Q. He had borrowed money from you, had he not?—A. No.

Q. None whatever?—A. No, sir.

Q. Up to the 15th day of July?—A. No, sir.

Q. Had he asked for money?—A. No.

Q. At any time?—A. Not of me.

Q. Not of you?—A. Wait a minute. Up to the 15th day of July

Q. Yes.—A. Yes.

Q. He had borrowed money?—A. Once.

Q. Yes.—A. Once.

Q. And he had never paid it back, had he?—A. Yes; my recollection is that Mr. White handed that back to me at another time that we were at the Briggs House at the same time, in the month of July that is my impression that he paid it back to me.

Q. He paid it back?—A. I think he did.

Q. Mr. Browne, but you had seen him only once since the legislature adjourned up to the 15th day of July, had you not?—A. Now let me see. I only saw him before the month of July, in the time intervening—well, the 15th of June, 16th and 17th of June. Now, I can tell you if you will let me refer to some memoranda when the next time was that I saw him.

Q. Certainly.—A. (Witness refers to memoranda.) This is merely a transcript of the Briggs House transfer book.

Q. Just look at it, and just give me an answer without reading.—A. I am going to do that. I was in Chicago again, from the—between the 10th and 27th day of July, and I saw—and Mr. White was there between the 22d and 27th—and I saw him during that time. My recollection is that is when he paid that money to me.

Q. That is, after the meeting at St. Louis?—A. Yes.

Q. After the Wilson meeting at St. Louis?—A. Yes, sir.

Q. And he had asked you to get him a job, hadn't he?—A. That matter had been impressed upon me constantly.

Q. And from his talks with you, prior to the 15th day of July whenever they occurred, you assumed that he was not prosperous, didn't you?—A. Well, I assumed that he had no property, and

sumed that he had no steady job, and I did not consider him rosperous.

Q. Why, when he left you on the 16th or 17th of June, 1909, to back to O'Fallon or East St. Louis, he borrowed $25 from you, dn't he?—A. Yes.

Q. And up to the 15th day of July he had not repaid it, had he?—. No; because I had not seen him.

Q. Well, he had not repaid it, as a matter of fact?—A. No.

Q. Never mind the reason why; he never offered to repay it?—A. Then he borrowed that $25 from me, Mr. Austrian, in June, when borrowed that $25 from me, he did not say to me at that time, d he had not informed me that he was out of funds or that he did t have funds at home; he rather impressed me with what he said, ith the idea that he was short of ready cash there and did not want borrow at the hotel desk, although he did not say much. I know struck me as a mere temporary loan.

Q. Then you thought he was a man that had money at home?—A. thought——

Q. All he had to do was to go down home and get it?—A. No; I ought this: White was a man without any family, and without any sponsibility, as I knew. He was a man that had not been used to uch money, he had been a laborer on the street cars; and he had tten a salary, postage, etc., amounting to practically $2,050, more an that, a little more than that, about $2,100, from the time the ssion opened until it closed. I do not know how much he had left it, or anything of the kind.

Q. Don't you know, as a matter of fact, that you yourself investi- ted and knew that White had drawn all the money coming to him January or February, 1909, for the forty-sixth session?—A. No.

Q. You had not seen to that—you don't know?—A. I would like answer your question, if you would let me. At the time you speak , when he borrowed this money of me, and up to the time he com- enced writing me letters, asking me for financial assistance, I didn't ow anything about White's financial condition; I had a good meas- e from the facts I have stated to you.

Q. Well, now, Mr. Browne——A. Since that time and after my ials, it may have been that investigations were made, not by me, but my interest, that have disclosed things to me that I did not know fore.

Q. Don't you know that he drew his $2,050 in January and Feb- ary, 1909?—A. Well, they all do that.

Q. I am asking you, "Don't you know whether he did?"—A. It is legislative practice to draw your money there, but it is not a legis- tive practice with everybody to spend it all at once.

Q. Is it a legislative practice to put a man on the pay rolls of the ate of Illinois without their doing any labor or service for the ate?—A. Mr. Chairman, is there any desire on the part of the com- ittee that I answer that question?

Senator BURROWS. The committee does not see how it is material.

Mr. AUSTRIAN. That is in evidence here. Judge Hanecy inquired d examined Mr. White for an hour upon the putting of Sidney arborough upon the pay roll of the State of Illinois, as a janitor, ithout the performance of any services. One hour he examined r. White on it.

Judge HANECY. That was simply for the purpose of showing the close relations between Yarborough and White, and that only for the purpose of showing——

Mr. AUSTRIAN. I don't care what the purpose was; that was the evidence. I don't know what was in counsel's mind.

Judge HANECY. That was entirely collateral.

Mr. AUSTRIAN. I do not know what was in counsel's mind.

The WITNESS. I have no disposition here to conceal a single thing I have done, but I do not want to charge to the State of Illinois, nor to the legislators of the State of Illinois, something that I do not know about specifically myself.

Mr. AUSTRIAN. Then, if you don't know about it, all you have to do is to say so.—A. I know this, I never have seen anybody perform any very arduous physical labor at Springfield, in the statehouse or outside.

Q. And you never protested by reason of that fact?

Senator FRAZIER. Either Republican or Democrat, that is; there are no lines to be drawn.—A. I do not think party lines have been drawn on that.

Mr. AUSTRIAN. Well, Mr. Browne, did you give Mr. White, in the city of Springfield, during the session of the Illinois legislature, the forty-sixth, any money?

Senator BURROWS. What was that question?

Mr. AUSTRIAN. Read it.

(Question read.)

A. Absolutely no.

Q. At no time?—A. At no time.

Q. You never gave him a $100 bill?—A. No; nor a 50, nor a 20 nor a 5, nor a 10.

Q. And if he had asked you for it, you would not have given it to him?—A. Yes, I think I would. I do not think I would have given him 100, Mr. Austrian, because they are not common with me.

Q. One hundred dollar bills are not common with you?—A. One hundred dollar bills are not common with me.

Q. And they were not during the forty-sixth——A. Not with me.

Q. General assembly. I am asking with you, with reference to you I assume there are banks down there that had $100 bills?—A. That may be a violent assumption; you can not tell.

Q. After the meetings at St. Louis, Mr. Browne, that you could not attend, that you were very anxious to attend, the one in July did you ever call the southern Illinois members at St. Louis together thereafter?—A. In St. Louis?

Q. Yes.—A. No, sir.

Q. At no time?—A. No, sir; not in St. Louis.

Q. And this idea you had of again becoming a candidate, and again desiring to be a minority leader, that you say you had in your mind in June when you met them there, the only election you could possibly be involved in, occurred in September of 1910, is that correct?—A. Yes.

Q. Some fourteen, that was some fourteen months after that meeting?—A. Yes. In order, however, Mr. Austrian, for one to retain any political leadership or political affiliation, at least, it has been my experience, it keeps you busy twenty-four months out of two years.

Q. St. Louis was the meeting place for the southern members of he legislature, whose names I have mentioned?—A. Yes.

Q. Well, why didn't you call them together again in St. Louis fter July, 1909?—A. I presume the only answer I can give you is ecause no occasion arose that permitted me so to do.

Q. But the two occasions, and the only two occasions that have ver arisen, that permitted you so to do was in June and July of last ear, within three—within two and four or five weeks after the legisature adjourned; is that correct?—A. I have told you of two times.

Q. Yes.—A. I did not call anybody together in July.

Q. No; but you said you would have been very glad to have met hem there for the purpose of renewing acquaintanceship and reesablishing political relations yourself?—A. Yes, sir.

Mr. AUSTRIAN. Mr. Chairman, it is a quarter to five. I have one r two other subjects that I would like to inquire of Mr. Browne, and ne or two letters that I would like to show him. I haven't them ere, and could not finish with Mr. Browne, any way.

The WITNESS. I would like at this time, before the committee adourns, if I may be pardoned for an independent suggestion. I feel lmost as if I was somewhat a defendant. In connection with the uestion as to whether I have given Michael S. Link any money, I ould like to show the committee at this time a letter which I eceived from Mr. Link, and which, to my surprise, has not gone in vidence, if I am permitted.

Judge HANECY. I prefer to have that done. I have that right ere, for the purpose of using it on cross-examination.

The WITNESS. Very well. The only thing, I would like to have it o in in connection with this matter.

Senator BURROWS. What objection is there?

Judge HANECY. None whatever. There is the envelope.

The WITNESS. I received this letter from Michael S. Link in the ondition you see it, the envelope with its inclosure. postmarked on he 12th of September. Let us see—yes; the postmark is of the 12th f September.

Senator GAMBLE. 1909 or 1910?

The WITNESS. 1910. He dated the letter on the 12th day of September, 1910; written from his home at Mitchell, Ill., on his legislative stationery.

Judge HANECY. Will you read it, Mr. Browne?

The WITNESS. Just a moment. Being exhibit——

Judge HANECY. This is the official stenographer, the young lady here.

(Said envelope and inclosure were thereupon marked "Exhibit -Z, K. F. L., 10/6/10.")

By Judge HANECY:

Q. Are you familiar with the handwriting of Michael S. Link?—. Yes, sir.

Q. Have you examined the signature of that?—A. Yes, sir.

Q. In whose handwriting is that?—A. Michael S. Link. The ody of the letter is in type.

Senator BURROWS. Well, now, read the letter.

Mr. AUSTRIAN. Let me see it.

Judge HANECY. Hand it to Mr. Austrian.

Senator BURROWS. Let Mr. Austrian see it.

(Whereupon said letter was handed to Mr. Austrian.)

Mr. AUSTRIAN. Oh, I submit, I would like to have the chair see it before it is read in the record, and let the chair determine whether or not it is competent.

The WITNESS. I would like to suggest to the committee, Mr. Chairman, that in connection with the statement that I gave Michael Link $1,000, or any other sum of money, that it is vital.

Senator BURROWS. When did you receive this?—A. On the date that the envelope bears its date, September 13. I can not say that I opened it on the date of September 13; it may have lain in my office for a couple of days, but that is the date it was deposited in my office.

Senator BURROWS. What is the date of the envelope?

Mr. AUSTRIAN. September 13, 1910.

The WITNESS. September 13, 1910.

Senator BURROWS. Well, you received it, of course, after that date?—A. Oh, yes; oh, yes; but I can not say that I received it exactly on that day; that is, that I opened it.

Senator BURROWS. Let it be read; you may read it.

The WITNESS. (Reading:)

MITCHELL, ILL., *9.12.*

Hon. LEE O'NEIL BROWNE, *Ottawa, Ill.*

DEAR LEE: I want to congratulate you on your complete vindication of the charge of bribing one Chas. A. White to vote for Mr. Lorimer. I don't believe you made any attempt to bribe anyone. You have certainly suffered this long siege in proving that some one sold a lie to the Chicago Tribune.

May you be nominated the 15th, and triumphantly elected in November; the prayers of a prominent member of my family will be with you.

Yours, etc.,

M. S. LINK.

Judge HANECY. Will you read the envelope?

Mr. AUSTRIAN. When you said "9.12," that is the 12th day of September, 1910?—A. That is not on there.

Mr. AUSTRIAN. Well, on the envelope.

The WITNESS. On the envelope the postmark is "Mitchell, Sept. 12/1910, A M, Ill." "Hon. Lee O'Neil Browne, Ottawa, Ill." And in the corner the return mark: "Return in five days to M. S. Link, Mitchell, Ill." On the back, postmarked "Ottawa, Sep. 13, 11:30 P. 1910. Ill." And two official seals, indicating it was received unopened.

Judge HANECY. Will you hand it to the stenographer?

Senator BURROWS. The committee will stand adjourned until tomorrow morning at 10 o'clock.

(Whereupon the committee adjourned until Friday, October 7, 1910, at 10 o'clock a. m.)

FRIDAY, OCTOBER 7, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. committee met pursuant to adjournment.

Whereupon the following members of the subcommittee were present: Hon. J. C. Burrows, chairman, Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. Thomas H. Paynter, Hon. Joseph F. Johnston, and Hon. James B. Frazier.

Senator BURROWS. The committee will come to order. Is Mr. Browne here?

LEE O'NEIL BROWNE resumed the stand for further examination by Mr. Austrian, and testified as follows:

Q. Mr. Browne, since the adjournment of this committee at yesterday's session, have you read the testimony that you gave here yesterday?—A. No, I can not say I have read it; I glanced it over.

Q. Will you please keep your voice up?—A. I said that I can not say I have read it; I glanced it over hurriedly.

Q. Within what space of time would you say?—A. Oh, I might have devoted fifteen minutes to it.

Q. And you found it substantially accurate, did you?—A. No.

Q. You found it inaccurate?—A. It was substantially inaccurate; I found a few errors in it which could creep into a hurriedly prepared——

Q. A hurriedly prepared what, Mr. Browne?—A. A record, transcript.

Q. Errors of the transcribers, and not of the witness?—A. Why, I would think so.

Q. But I mean, as far as your testimony is concerned, you found that substantially accurate, did you?—A. No; I say I found a number of errors in it that changed the meaning of the testimony.

Q. Will you just tell us what corrections you desire to make?—A. I can not.

Q. Did you discuss your testimony, since the adjournment of this session on yesterday, with any counsel in this case?—A. Not—Judge Hanecy, yesterday, after the adjournment, called my attention to an expression which he said I had used, and I insisted I had not used it, and I consulted the record to ascertain, and I believe I was right. I don't know whether he was right or not.

Q. What expression was it?—A. A question you put to me embodied the phrase "round up," "rounding up the votes," and I insisted it was embodied in your question and not in my answer. Judge Hanecy insisted it was in my answer. I found out I was correct, although I answered your question that contained it.

Q. Judge Hanecy has represented you in these various cases that you have had in Cook County, Ill., has he not?—A. Not on the trial before the jury in either instance. On the matter of the argument of—well, the preliminary attack upon the indictment on the first trial, Judge Hanecy argued what was known at that time as the federal question, before Judge McSurely, and also a matter of habeas corpus before Judge Scanlan. Otherwise, he did not participate in court.

Q. But he was one of your counsel?—A. Well, I have stated to you——

Q. Did you consider him as one of your counsel, and do you still consider him as one of your counsel?—A. Why, I can not answer that, Mr. Austrian.

Q. Very well, that is all.—A. I want to say this to you, that I consulted him upon a number of occasions, and still do, when I feel like it.

Q. Mr. P. H. O'Donnell was also one of your counsel, and he participated in the trials?—A. He was one of the active participating counsel throughout the entire case.

Q. Mr. Browne, you were tried twice in Cook County, Ill., were you not?—A. Yes, sir.

Q. And this is the first time you have ever told this story or testified in reference to these matters, is it not?—A. It is the first time I have testified at all.

Q. Mr. Browne, you testified yesterday with reference to your trips across the lake, or referred to them, is that correct?—A. Why, mention was made of it.

Q. Who made up the party on those several trips?—A. We started on Sunday—let me think a moment, please—Sunday, the 15th of August, if I am correct as to the 15th, and I think I am, in the morning, Mr. Zentner, Mr. Sturmer, and myself, and went across the lake to St. Joe; we went in the morning. We came back in the evening. Took the night boat back to St. Joe; Zentner did not go. We got to St. Joe Monday morning, or Benton Harbor more properly, and came over to St. Joe and stayed there during the day, and came back, I think, upon the night boat Monday night; stayed in Chicago during the day. Tuesday night took the Goodrich boat, I think it was, but I am not sure as to that, for Muskegon. Got to Muskegon Wednesday morning. Remained in Muskegon, Lake View, and surrounding territory there until the return of the boat in the evening; left Muskegon in the evening of Wednesday and got into Chicago on Thursday morning. Mr. Zentner was with us on the trip to Muskegon and he was a member of the party on the first trip to St. Joe, but he was not on the second trip to St. Joe.

Q. Mr. Browne, the party was enlarged after the first trip, was it not?—A. No and yes, both. On the first trip, Mr. White met some parties on the boat whom he introduced to both myself and Mr. Zentner. They formed a part of the party, both on the first trip and on the second trip, one of them a part of the party on the first trip to Muskegon, the other one, no.

Q. Mr. Browne, when White came to Chicago, in August, 1909, did he have any money?—A. I didn't quite understand that question.

Mr. AUSTRIAN. Read it.

(Question read.)

A. Oh, I think so. He didn't ask me for any, and he was spending some money, not much.

Q. Did you keep any money for him?—A. Why, yes; but unless you consider it essential, I do not care to relate that incident.

Q. How much was the money that you kept?—A. I could not tell you.

Q. Did you afterwards turn it back to him, through Mike Giblin?—A. No.

Q. You gave it back to him yourself?—A. Yes; that is, now you may be confused with the two incidents. I borrowed a little money from him, as I now recollect, during some one of those days on the lake. After he returned to Chicago, owing to Mr. White's condition, either that night or the next day, and I can't tell you, because I had separated from the party after I got in Thursday morning, and was attending to my own affairs, but either that night or the next day, owing to White's condition, I took some money away from him, and I kept it until I went home, or about the time I went home, and I returned it to him, not at the same time, I think, as I did the money that I borrowed. The money that I borrowed from him was

only a little amount, and my impression is that I gave him that quite a little bit before I went home, and gave him the amount I took away from him just before I went home.

Q. You say the amount of money you borrowed from him was a "little bit." Will you tell us how much it was?—A. Yes. I think somewhere along—oh, what I am referring to is something less than—somewhere along $20, or $25, or $30, or $35, somewhere along there.

Q. You say what you are "referring to." Had you any other transactions from him when you borrowed money from him?—A. I just told you I took some away from him.

Q. Tell us how much that was?—A. I can't tell you.

Q. Was it as much as $200?—A. No.

Q. How much would you say it was?—A. I can't tell you.

Q. Mr. Browne, you say you separated from the party?—A. Yes.

Q. And attended to your business?—A. Yes.

Q. And where did you spend that Thursday evening?—A. Now, I was around the hotel—I was around the hotel a part of that evening. Whether I was there all the evening or not I can not tell you.

Q. You heard Mr. Sturmer's and Mr. Zentner's testimony on two occasions, have you not?—A. Yes.

Q. And you know what they say with reference to your being at the hotel that evening, don't you?—A. No; well, now——

Q. Well, it is immaterial.—A. Upon that evening I don't recall—as I recollect——

Q. Didn't you go to the theater that night?—A. The night of——

Q. Thursday night, that you got home in the morning; back to Chicago, I mean?—A. I hardly think so, Mr. Austrian.

Q. Didn't you go to the theater that night with one of the party who was on the trip with you?—A. I don't think so.

Q. Now, coming to Wilson's trip to St. Louis, Mr. Browne, you have seen the hotel register of the Southern Hotel, indicating that Mr. Wilson was there on the 15th of July, haven't you?—A. Now, Mr. Austrian, I presume that I did, but I have no independent recollection of looking at that page of the register. I took it for granted that——

Q. Will you look at it now? It is the third signature from the top [exhibiting book to witness].—A. I see the entry you refer to.

Q. That, together with the statements made to you by Mr. Wilson with reference to his leaving Chicago to go to St. Louis and his statements with reference to having been in St. Louis, does that refresh your recollection as to the date that you say Mr. Wilson left Chicago to go to St. Louis?—A. No; it does not refresh it at all, because I told you yesterday that my impression was that he left upon the 14th of July.

Q. And arrived in St. Louis on the 15th?—A. I presume so.

Q. And you arrived home on the same day, did you?—A. I told you yesterday that I am not sure whether I went home on the 14th—the day he told me he was going to St. Louis, as I now recollect—or whether I went the next day, and I am not any more certain now.

Q. Well, Mr. Browne, looking at the letter that you wrote White on the 16th day of July, 1909, from Ottawa, Ill., will you say that you left Chicago after Mr. Wilson left Chicago for St. Louis or before?—A. Well, that does not help me out at all, Mr. Austrian. I

am still of the impression that I was yesterday that I left Chicago on the 14th. I may not have left it until the next day.

Q. At any rate, you wrote White the letter, Exhibit 4, dated at Ottawa, Ill., July 16, 1909?—A. Yes.

Q. And you wrote it from your home town, Ottawa, did you not?—A. That letter was written in my home town of Ottawa; yes.

Q. Yes.—A. That is not my signature to it, but that is easily explained in this. Sometimes when I was in a hurry my stenographer, under my instructions, where I had a number of letters I did not wish to wait to sign, my stenographer would sign my name for me.

Q. You dictated the letter?—A. Oh, there is no question about that.

Q. And it is your letter?—A. Yes.

Q. It was written to White the day after Wilson was in St. Louis and White was in St. Louis?—A. I was not in St. Louis at all. I presume Mr. Wilson was there the 15th. I assume he was going there, and I think now he was going there.

Q. What did you mean in your letter to White where you say, "I hope everything is all right with you and satisfactory?"—A. I meant what I said.

Q. Is that all you meant—what you said?—A. Yes.

Q. What did you refer to, what did you have in mind, when you said that you hoped everything was satisfactory the day after White was to meet Wilson in St. Louis?—A. Why, the same as I would have in mind, Mr. Austrian, if I would say to you, "Good morning, Mr. Austrian, I hope everything is well with you this morning."

Q. Why did you add that you hoped he was "fairly prosperous?"—A. I told you that the word "prosperous," in so far as a man can look backward and analyze what he meant by what he said months ago, referred to my hope that he was getting along and that he had some temporary job, at least, and that he was not in such straitened circumstances as to embarrass him or deprive him of what he needed.

Q. Didn't you tell this committee on yesterday that up to the 15th day of July, 1909, White had not evidenced any signs of poverty or straitened circumstances?—A. I told you——

Q. Now, you can answer that yes or no. Do you think you did or didn't?—A. Well, in that way——

Q. Answer the question.—A. Well, I don't think I did.

Q. Didn't you tell this committee that prior to the 16th of August you met White in Chicago, and that you had no idea that he had no means; that he had gotten twenty-one hundred and some odd dollars, or some such amount, from his salary and legislative emoluments, whatever they were, railroad fare, mileage, etc., and that he had shown no signs of lacking funds whatsoever up to that time?—A. I said part of that and part of it I did not say. You have edited it.

Q. Very well; that is an answer to the question.—A. I intended it as such.

Q. You are a very smart man.—A. Thank you; I didn't know I was.

Q. Did you know of any arrangements or any negotiations or any dealings that Wilson was to see White upon or White was to see Wilson upon that would or could have terminated satisfactory or unsatisfactory?—A. As between Wilson and White?

Q. Yes, sir.—A. No, sir.

Q. You did not refer to that talk of a proposed banquet when you wrote that letter, did you?—A. Why, scarcely, Mr. Austrian.

Q. That was not in your mind at all, was it?—A. No, sir.

Q. Mr. Browne, you said you were making a canvass for minority leader when you were down in St. Louis in June, did you not?—A. No; I didn't say that or anything like it.

Q. No. But you said you were down there for the purpose of seeing your southern Illinois constituency, because you hoped to be a candidate for minority leader in the forty-seventh general assembly. Is that right?—A. I said that, and I said other things, and I gave a further qualifying explanation.

Q. Mr. Browne, when you were a candidate for minority leader in the forty-sixth general assembly—that is, in December, 1908—did you ever go to St. Louis and meet the southern Illinois members?—A. Yes, sir.

Q. When?—A. I can not give you that, Mr. Austrian, without referring to the correspondence that you have here; but it was some time, as I now recollect, some time in December.

Q. 1908?—A. That is my recollection.

Q. Then you met them in December, 1908, did you?—A. Met who?

Q. The southern Illinois members.—A. Yes; and a number more of the southern Illinois members who did not afterwards form a part of the Browne faction.

Q. Before you met them on June 15?—A. Yes.

Q. Or some of them?—A. Yes.

Q. And then did you ever meet them from June 15, 1909, down to the present time?—A. Yes.

Q. At St. Louis?—A. No; at East St. Louis, but not at St. Louis.

Q. Mr. Browne, you got to St. Louis on the morning of the 21st of June?—A. That is my recollection, and I think that it is correct.

Q. Tell this committee how many hours you were in the city of St. Louis?—A. Well, I can tell you if you will tell me what time the train leaves there in the evening. I can not tell you that.

Q. You were there from the morning until the evening, were you?—A. I am not certain whether it was morning or late afternoon that the train left there. I got in there in the morning about 8 o'clock, and went at once to the Southern Hotel.

Q. And then you left on the afternoon or evening train, is that correct?—A. Yes, that is right.

Q. Now, did you feel at liberty to call your southern Illinois constituency to go from their homes, at their own expense, to the city of St. Louis, on every and any occasion that you desired to meet them?—A. Yes, sir; yes, sir; and I knew that serious business matters not preventing, they would come.

Q. You testified on yesterday that there was the question of patronage?—A. Yes.

Q. Minority state patronage?—A. Yes.

Q. That referred to state jobs, did it not, or jobs under the administration, the state administration, did it?—A. It meant state positions, offices, yes.

Q. And those were to be given out by the governor of the state, were they?—A. Yes.

Q. Then there was such a thing as state jobs, even for the minority faction of the Democratic party, were there?—A. We do not usually refer to them as "jobs."

Q. That is a very shocking word?—A. No; but it has not been common.

Q. What are they, offices?—A. Yes, or positions.

Q. Mr. Browne, Mr. White was a staunch supporter of yours, I believe you said, on some occasions?—A. Yes; Mr. White was a staunch and strong adherent and supporter of mine all through the session, so far as I knew.

Q. When for the first time did you notice any change, with reference to his support of Lee O'Neil Browne?—A. Well, not until the first installment or first section of the special session.

Q. That was in December?—A. I think so.

Q. You know, don't you, Mr. Browne?—A. Why, I don't know positively, Mr. Austrian, without looking at the records.

Q. Well, give us your best recollection?—A. I have given you my best recollection.

Q. In that letter, Mr. Browne, did not Mr. White say to you in substance that he had no kick coming, that he had gotten out of all sources exactly what had been promised him, or words to that effect?—A. Mr. White? Never.

Q. Yes or no will answer it.

Senator BURROWS. Let him answer, Mr. Austrian.

Mr. AUSTRIAN. Mr. Chairman, we do not need a speech about that. He can say "yes" or "no." That is perfectly plain question.

A. No.

Q. Mr. Browne, Mr. White did write you in December, 1909, didn't he?—A. I do not think so.

Q. He did not write you a letter in December, 1909, that you subsequently characterized as a "blackmailing letter."—A. No, sir.

Q. At no time?—A. Yes, sir.

Q. When?—A. February 27, 1910.

Q. And when did you first ascertain that he had written a letter to Mr. Lorimer?—A. Not until the article appeared in the Chicago Tribune of the date of April 30, and until I began the preparation of my defense did I know or learn that any such letter had been written to Senator Lorimer.

Q. Now, when you received this so-called blackmailing letter of February, 1910, did you then reply to Mr. White, or seek out Mr. White, or send Mr. White any word with reference thereto?—A. That is the very thing that I did not do.

Q. Mr. Browne, I believe you stated yesterday that your acquaintance with Mr. Lorimer was a passing acquaintance up to the termination of the first third of the session of the forty-sixth general assembly. Is that correct?—A. I think that is accurately stated.

Q. That is the fact, is it?—A. I think so.

Q. And the first third of the session of the forty-sixth general assembly terminated about in March, 1909, did it, or February, 1909?—A. Yes; along in there.

Q. Mr. Browne, if Mr. Lorimer in his speech, which is part of the record in this case, says that "I became very intimate with him," referring to you, "several years ago, during the session of the legislature," was that statement correct or incorrect?—A. Well, now,

rom my standpoint, no; it may be entirely correct from the stand-oint of Senator Lorimer. Up to the time of our acquaintance in 909 I looked upon Senator Lorimer as moving in a different sphere han myself, a good deal higher plane. I did not class myself on an qual with him politically and I looked to him, in a measure, from far. I was not intimately acquainted with him. I knew him. I ad a speaking acquaintance with him, but I was not on such terms ith him that I could go to him and say "Senator, so and so," or thus and so"; it was a mere speaking acquaintance.

Q. Why, didn't you testify yesterday that it was hardly a speak-ng acquaintance?—A. No, I did not; I told you that it was a asual speaking acquaintance.

Q. Then if the transcript shows that you said that "I never knew enator Lorimer except to see him and by reputation, a mere pass-ng acquaintance," that is hardly a speaking acquaintance. Is that orrect or incorrect?—A. Yes; that is correct. That is, using the erm "hardly," there I would interpret that expression to mean just hat I now mean, that it was a mere passing acquaintance, with no ntimacy at all from my standpoint.

Q. Yes. Mr. Browne, that acquaintance, however, ripened, did it, rom the first third of the session of the Illinois legislature, the orty-sixth, down to May 26, 1909?—A. Well, it began becoming nore intimate from along the very first of the session, and I will xplain to you—and yet not anything more of a friendly way for while, either—and I will explain to you if you care to have me.

Q. We will get that later; I want to know the fact.—A. That is ll I want to tell you.

Q. I want to know when this intimate acquaintance, if one existed, as formed between you and Mr. Lorimer; time I want, days or nonths.—A. Well, I say that the acquaintance, so far as becoming cquainted was concerned, an intimacy was concerned, began increas-ng, of course, with the opening of the session, because from the eginning of the session—nearly the beginning of the session of 909—down to its close, Senator Lorimer was there a great deal of ne time, a thing that he had never done during any previous session n which I was serving the State of Illinois.

Q. But, notwithstanding the growth of your acquaintance with enator Lorimer, up to the time that his name had been suggested s a candidate for United States Senator by Mr. Shurtleff, you had iven the thing no consideration whatsoever?—A. Oh, yes; I had. hat is, I told you that the matter was spoken of between Mr. Shana-an and myself, but I had given it no serious thought, because I had ot looked at it in the light, at that time, of a probable candidacy.

Q. Well, now, Mr. Browne, is it not the fact that up to the time Ir. Shurtleff talked to you on the subject you had given his candi-acy no serious consideration?—A. No more than what I have told ou.

Q. And that was none, was it not?—A. I have explained it the est I can to you.

Q. Mr. Browne, you stated, I believe, that you met Mr. White in hicago on or about the 15th day of June, 1909. Is that correct?—. I can not say that. I was at the Briggs House the 15th, 16th, nd 17th of June; so was Mr. White; the register shows it. During nat time I presume I met him a number of times.

Q. Then you did meet him on or about the 15th day of June, did you not?—A. I can not say whether I did or not. During that three-day period I met him several times, doubtless, and I know that I met him; but whether I met him on the 15th or not I do not know.

Q. Well, it was on or about the 15th that you met him, if you met him on the 15th, 16th, or 17th, was it not?—A. Well, it depends upon what you mean by your qualifying word "about."

Q. Well, now, you met him by appointment, didn't you?—A. No sir.

Q. Look at the letter which I hand you, dated June 13th, and tell me if you did not meet him by appointment?—A. No.

Q. You did not?—A. No.

Q. I thought you told us a moment ago that you never referred to a man who occupied or sought a position as a "job hunter?"—A. I don't say so; I said I did not.

Q. In this letter of June 13th you say, "I don't want to be bothered by every job hunter," didn't you?—A. There was a great many of those.

Q. And you refer to a man seeking an office under the State of Illinois as a "job hunter?"—A. No.

Q. And you referred to the position as a "job," too, didn't you?—A. No, no. The job hunters that I referred to do not get positions under the State of Illinois, as a rule.

Q. They get them under minority leaders, do they, or the factotums of the party?—A. No; nobody can get anything under a minority leader; it is by the grace of the powers that be that they get anything.

Q. Now, you say in this, and this is dated the 13th day of June—you say that you are due in court to-morrow and that you will be in Chicago Tuesday or Wednesday. Is that correct?—A. What is in there is correct.

Q. And that was a suggestion, was it not, or a direction to Mr. White that you would meet him in Chicago if he could wait that long, Tuesday or Wednesday the following week, was it not?—A. You can take it that way, if you please; I simply said——

Q. I am asking you how you take it?—A. I am trying to tell you. I simply stated to him when I would be in Chicago, and he could see me there if he happened to be there.

Q. Didn't you say, "If you can wait I will do my best to see. I will be at the Briggs House." Didn't you say that?—A. Yes.

Q. And didn't you say it for the purpose of having him meet you there?—A. I did it for the purpose of giving him an opportunity of seeing me if he wanted to, as he had written me that he did want to.

Q. Where is the letter that you received in reply to this letter—to which this letter of June 13, 1909, is a reply?—A. There are two letters, one I——

Q. Have you got them, either one of them?—A. Mr. Chairman may I answer?

Senator BURROWS. Mr. Austrian, will you pardon the Chair? When you have asked a question should not the witness be permitted to answer?

Mr. AUSTRIAN. Oh, certainly, certainly.

The WITNESS. There are two letters; one of the date of June 6 written from O'Fallon, Ill., to me by Mr. White; another of the date—I can't just state, but to which this letter of the 13th is an

nswer. Neither one of these letters have I been able to find. They vere either lost or destroyed. I was unable to find them; I never ave been able to find them.

Q. Now, Mr. Browne, I desire to ask you——A. I can tell you vhat they were about, though, if you care to hear me.

Q. But they are destroyed, are they?—A. I stated so——

Q. Well, that is all——A. I don't know whether they are destroyed.

Q. But you can not find them?—A. I can not find them.

Q. Mr. Browne, you stated that you were never in Mr. White's oom at the St. Nicholas Hotel in your life; is that correct?—A. No; I did not say that; I said I did not know where Mr. White's oom was.

Q. Didn't you state that you had never been in his room?—A. don't know whether I did or not, but I will state to you that I ave no recollection of ever being in Mr. White's room in the St. Nicholas Hotel in my life.

Q. Well, was Mr. White ever in your room?—A. Oh, yes; yes.

Q. On or about the 24th or 25th of May, 1909?—A. Well, now, hich do you mean? There are two days.

Q. Well, on the 24th or 25th of May, 1909?—A. Well, you will ave to let me start with the 24th.

Q. Well, was he in your room the 24th of May, 1909? Yes or no. Either Mr. White was there or he was not there.—A. I can not nswer it that way.

Q. Then you can not answer it?—A. Yes; I can.

Q. Was he there on the 25th of May, 1909?—A. Wait a minute. can answer the question and I would like to, but I can not answer by "yes" or "no."

Senator Burrows. Let him answer.

The Witness. The 24th day of May, 1909, was on Monday. I came o Springfield the day before, Sunday, the 23d, and registered at ne St. Nicholas Hotel and occupied my usual quarters. I did not ee Mr. White during the day of May 24. The Alton train, known as ne "Kansas City hummer" or "K. C. hummer," is due in Springeld at 11.15 at night. That is the train people interested in legisative matters and members that come by the Alton usually come on. On the night of May 24 Mr. Thomas Dawson came down on that rain. I met him in the lobby of the hotel when he came in. The rain was late that night and, as I have discovered, did not get to pringfield until, as I remember, 11.41. I talked with Mr. Dawson ome time in the lobby of the hotel, asking him to do something for ne, which he did there in the lobby, speaking to a certain person here for me; all of this before he registered. Thereafter he registered and was assigned to a room at the St. Nicholas Hotel. Mr. White did not register until after Mr. Dawson did, his name appearng immediately after Mr. Dawson's, so that Mr. White could not ave had a room that night at the St. Nicholas Hotel before he egistered and he could not have registered before midnight. I ight have seen Mr. White after midnight at my room; that is, he ay have been there. I have no recollection of it. Mr. Cermak was ot there that night. He did not come until the next day, as I now ecollect. I think Mr. Ayres—I think it was the night of May 24

that Mr. Ayres occupied my apartments with me and went to my rooms with me when I went up that night. I think it was quite late when I went; I think it was 1 o'clock or later when I went to my rooms. It is altogether possible that Mr. White may have come to my rooms after that time; I do not know. Members came to my rooms—they were headquarters—came to my rooms every day, every night, back and forth. If Mr. White did come to my room at that time upon that night, I have no recollection of it.

Mr. AUSTRIAN. Mr. Browne, your mind is extremely accurate, is it not, with reference to your talks with Mr. Dawson and what took place when the train came in and what Mr. Dawson did before he registered and what time he registered, and it must have been after 11.41; your mind is perfectly accurate on it, is it?—A. More so than a man who had not been through what I have in the last five months.

Q. But the main thing you have been through is with reference to Mr. White having been at your room on the 24th and 25th of May, is it not?—A. No; that is one of the things.

Q. Was not that the basis of the entire supposed or alleged illegal transaction between you and Mr. White?—A. That is not, as I understand it. Mr. White charges a conversation, which was the inception of this matter, to have taken place at my room between himself and me on that night.

Q. So that was as important an incident as any that occurred, was it not?—A. I think it was a very important incident.

Q. Now, Mr. Browne, I ask you whether or not you can tell the committee whether Mr. White was in your rooms or you in Mr. White's rooms on the day or night of May 25, other than the early morning of May 25, when you say it might have occurred after 12 o'clock?—A. I have no recollection of it, and I would like to say, Mr. Austrian, that it would be impossible for any man to truthfully remember a matter of that kind when he had 30 or more, 35—37 or more legislative members who were constantly coming and going to see him about those matters.

Q. That was a pretty active time in your legislative experience, was it not?—A. No more so than the entire session had been, Mr. Austrian. It was a very stormy session, a very bitter session on the Democratic side; very bitter strife between the two sections.

Mr. AUSTRIAN. Mr. Chairman, I submit that I do not need to have a speech after every answer. Now, I have asked him a simple question. He can either answer "yes" or "no" or not answer at all. or that he can not answer. I submit I have not got to take a speech after every answer. That is a brief and simple question.

Senator BURROWS. Mr. Reporter, will you read the question.

(Question read, and also the answer read.)

Senator BURROWS. What is the objection to that answer?

Mr. AUSTRIAN. If it was a pretty strenuous time he may say "yes" or "no; it was not."

Senator PAYNTER. Does your question not suggest more at that time than the balance of the session, and his answer is in response to the whole time? Is it not responsive?

Mr. AUSTRIAN. I am not asking him whether or not it was more strenuous.

Senator PAYNTER. But does not the answer suggest it was pretty active at that time?

By Mr. AUSTRIAN:

Q. Mr. Browne, were the 30 Democrat members of your faction whom you have stated yesterday that you assured Mr. Lorimer would vote for him—were they in consultation with you on the 24th and 25th of May?—A. I can not answer that yes or no.

Q. Well, answer it in your own way.—A. Very well. After I had determined to be for Senator Lorimer, to further, in so far as my humble efforts could, his election, I began feeling out, so to speak, and ascertaining how the so-called Browne Democrats would be on the matter. I did that in various ways. I do not want to tire you.

Q. I do not care for that testimony every question. I simply ask you whether the 30 Democrats that you assured Senator Lorimer would vote for Senator Lorimer were in frequent conference with him?—A. No; you asked on May 24. I am trying to explain. Well, ask the question.

Q. You told Senator Lorimer, didn't you, that you could assure him that there would be 30 Democratic votes for him?—A. In substance, yes.

Q. Now, did you have 30 Democratic votes in mind; 30 specific Democratic votes in mind when you told him that?—A. Yes, sir.

Q. Now, did those 30 men, or any of them, confer with you or talk to you with reference to voting for Mr. Lorimer on the 24th or 25th of May, or either of those two days, 1909?—A. I do not know, but I presume that some of them did upon both of those days, and I presume some of them did several times upon both of those days. These conferences between myself and the several members took place for a week or ten days, down to the time of the election; various days.

Q. And the 30 Democratic votes that you have referred to were the 30 names that you read off here yesterday, weren't they?—A. Which 30 Democratic votes were?

Q. Whom you had assured Mr. Lorimer would vote for him?—A. I told Mr. Lorimer along the earliest of our conferences, among the earliest of our conferences, that I believed, I believed that there would be about 30 of the Browne Democrats who would be willing to vote for him. I believed so. I did not tell him which ones. I told you yesterday that I didn't know as I ever told him or recited to him the list in full. Now, the particular 30 that finally voted for Mr. Lorimer, I do not think I had all tabulated as certain and sure, certainly not before the 24th of May, and probably not before the 25th. A good many of them, yes, before that; all of them, no. That is the best I can say.

Q. And you did have them on the morning of the 26th?—A. They voted.

Q. Now, you told Mr. Lorimer, as you did Mr. Shurtleff, did you not, that you would not consent to have those Democratic votes cast uselessly? Is that correct?—A. I did more than that, Mr. Austrian.

Q. You told them that much, didn't you?—A. I told them more; I put it different.

Q. You did not say that you would not have them cast uselessly?—A. I did that, and I did more; I put it more forcefully than that. I made it a matter of honor with Senator Lorimer and Mr. Shurtleff both that no roll call for Mr. Lorimer should be started until with counting 30 votes from my faction they had assuredly enough to guarantee an election.

Q. And you thought, did you, that by permitting your 30 votes, or the ones you referred to in your talks with Mr. Lorimer, to vote for Mr. Lorimer, without an assurance of enough voting for the election, would be casting them uselessly, did you?—A. Why, naturally.

Q. Now, why did you hesitate to have your 30 Democratic votes, or the ones you referred to as being the 30, not vote for Mr. Lorimer until he had assured you he had enough for election?—A. Because, Mr. Austrian, the world loves a winner and does not like a loser.

Q. Is that the only reason?—A. That is a good one.

Q. That is your judgment of being a good one?—A. That is the main one.

Q. That is the best reason you know of?—A. It is the only one I am giving you now.

Q. Well, is that the best one you know?—A. I have given you my recollection; I did not propose to have those gentlemen, with my consent, go down in a lost cause.

Q. Why, didn't you hear or haven't you read the testimony of many Democrats in evidence before this subcommittee who were willing to vote for Mr. Lorimer at any time?—A. Yes.

Q. Who were numbered among the 30 that you referred to?—A. Yes; and they probably would have done it with or without my consent.

Q. But you would not consent, would you?—A. No, no; I would not have done it myself unless I felt sure.

Q. That is all right; but you would not consent, would you?—A. I said so.

Q. And without your consent they did not do it, did they?—A. Why, they were not called upon to do it.

Q. Now, did you give them the signal or tell them when they might do it?—A. No; I told you yesterday that I was not carrying around any votes in my pocket. I was looked to by those men as the leader and the adviser and counsellor, and I certainly had conveyed to them the information in one way or another, either personally or otherwise, that there were enough votes, and that the roll call for the election of Senator Lorimer, or the attempt to elect him, would be called upon that day.

Q. And who assured you that Senator Lorimer had enough other votes, other than the 30 you referred to, to elect him?—A. Well, Mr. Lorimer, Senator Lorimer did, Mr. Shurtleff did, Mr. Shanahan did; and I was pretty well conversant naturally with the condition of that house myself, and I verified some things.

Q. Mr. Browne, you dealt directly with Mr. Lorimer on the subject, after the two weeks, after you had made up your mind, after your talk with Mr. Shurtleff, did you not?—A. There were no dealings at all, Mr. Austrian.

Q. Your negotiations, then, whatever they may have been.—A. There were no negotiations.

Q. Your discussions with reference to Mr. Lorimer's candidacy for United States Senator were direct with Mr. Lorimer, weren't they?—A. Yes; I almost invariably met him in the rooms occupied jointly by himself and Edward Shurtleff, and almost invariably there would be found there not only Mr. Lorimer and Mr. Shurtleff, but also Mr. Shanahan and a number of others of the so-called Shurtleff-Lorimer crowd.

Q. Mr. Browne, when for the first time did you ascertain that anyne was investigating the story put out by Mr. White or anything ith reference to the legislative proceeding pertaining to the election f Mr. Lorimer or otherwise?—A. Why, I heard rumors of that—oh, won't be sure, some short time before April 30.

Q. How short is your best recollection?—A. Oh, two or three eeks, possibly.

Q. Did you come to Chicago?—A. When do you mean?

Q. Within that time, after you heard the rumors, as you put it, and pril 30?—A. I presume so; I think I did probably several times.

Q. Did you meet Mr. Shephard?—A. I am not sure.

Q. Didn't you meet him at the Briggs House the Sunday precedg the 30th of April?—A. I may have.

Q. Don't you know that you did?—A. Well, I am not sure of eeting him there at that particular time. I may have; I don't say at I did not.

Q. Did you not meet him there with Mr. Wilson, Wilson and Shepard with you at the same time?—A. I don't recall of Mr. Wilson and r. Shephard being there; it may be they were.

Q. Didn't you and Shephard and Wilson go to the train toether?—A. No, I don't think so.

Q. Didn't Mr. Wilson shortly after go to Springfield, if you ow?—A. I don't know, Mr. Austrian. I might have been aware of at fact, too, but if I was I have no recollection of it now.

Q. Mr. Wilson and you have seen a good deal of each other, have ou not?—A. Oh, yes; Mr. Wilson is an intimate friend of mine.

Q. Mr. Wilson would know more about the St. Louis transaction an any other living man, wouldn't he?—A. I don't know what you ean about the St. Louis transaction.

Q. What occurred at St. Louis.—A. When?

Q. When he was there, the 21st day of July, the 15th day of July.—. You mean what occurred between him and those members?

Q. Yes.—A. Why, undoubtedly.

Q. Haven't you enough influence with Mr. Wilson to get him to ome before this honorable committee, to tell this committee about at transaction?—A. I don't know how much influence I have got ith Mr. Wilson. I don't know whether in the condition that Mr. Vilson was in the last time I saw him, I would—unless it has improved—I would try to urge upon him anything that required any rain or effort. I would like to tell you of his condition when I last w him, if you care to hear it.

Senator Gamble. When did you last see him?—A. Oh, it was ortly after the primaries, possibly within a week after the priaries.

Judge Hanecy. That was the 15th of September.—A. Of Sepmber.

Senator Burrows. The primaries of this year?—A. Yes.

Senator Gamble. And where did you see him?—A. I saw him over t the Briggs House or I saw him upon the street.

Q. Subsequently to that day?—A. Subsequently to the 15th; it as within a few days after that.

Senator Frazier. Do you know where he is now?—A. I do not; I o not, Senator. I did know that he was in Milwaukee, but my imre sion is gained from things that I have heard indirectly from his

people that he is not there. He may be. He was at a sanitarium in Milwaukee or under treatment by a doctor there for some time. That was before the primaries, however, he had to go away.

Senator GAMBLE. What do you know personally, Mr. Browne, as to his physical and mental condition, to which you refer?—A. Robert Wilson is of a very high-strung, sensitive make, physically and mentally both, and I do not think he ever had a hardship or a battle in his life, politically or otherwise, until this, and he took it harder than anybody I ever saw. When I last saw him he was—well, he had lost about 20 pounds. He was nearly blind, and he was a complete nervous wreck; that was his condition.

Senator HEYBURN. How was his mental condition?—A. Corresponding to his physical condition—nervous. It affected him in that way. Just the condition you would expect from a man in that nervous condition. I do not mean incapacitated; I do not mean to be misunderstood. I do not mean incapacitated from moving around or from engaging in the ordinary pursuits of life to a certain extent, but in a condition if I was in it I would feel alarmed and want treatment.

Senator GAMBLE. How long since did you know or learn that he was in a sanitarium in Milwaukee?—A. Oh, he was in a sanitarium in Milwaukee—in there along before the primaries. In fact he had to have his campaign carried on largely by proxy.

Q. Do you know whether he was in a sanitarium there since the primaries?—A. No; I do not know whether he is or not, but I say I gathered from things I have heard indirectly from his people that he is not there now.

Q. I am prompted to make this inquiry simply from the fact that there has been a subpœna out for his appearance for some time and diligent effort has been made as to service and to bring him before the committee.

By Senator HEYBURN:

Q. Mr. Browne, when did you see him in Chicago?—A. A few days after the primaries.

Q. And the primaries were on what date?—A. The 15th day of September.

Q. And can you say how many days?—A. No; I think it was within a week.

Q. Was it before or after the 20th of September?—A. Well, I can't tell you that, Senator. I was at home on primary day, of course.

Senator GAMBLE. That was the 15th of September?—A. Yes; I was at home in Ottawa on primary day; that was Thursday. Now my impression is that I left there the next day, Friday, and came to Chicago. It may have been Saturday, but I think I left Friday and came to Chicago. Now, I saw him—and I have been here practically ever since—I saw him the first few days of my being here.

Senator HEYBURN. Was it before the Monday following that Friday that you saw him?—A. I think it was before this investigation started, whenever that was.

Q. It started on Monday.—A. Well, I think it was before that.

Q. It started on the 20th.—A. I think it was before that.

Senator GAMBLE. So you have not seen him since the 20th of September?—A. That is my recollection; my recollection is I have not seen him. He telephoned me once after I saw him.

Q. How long afterwards?—A. I think the same day that I last saw him; I think he called me up about some matter or some stuff that he wanted me to speak to Mr. Giblin about; something of that kind.

Senator HEYBURN. From what point?—A. Why, in town; I think his folks' home, on the North Side.

Q. You think that was before the 20th?—A. Yes; that is my recollection.

Senator FRAZIER. Have you any information now, from his family or otherwise, as to where he is?—A. I have not seen his family.

Q. Well, have you any information as to where he is?—A. No.

Q. From anybody?—A. No.

Q. You don't know where he is?—A. No.

Senator PAYNTER. What is the date of the subpœna?

Mr. AUSTRIAN. The 20th; that is, the request was made then.

Senator GAMBLE. I think the subpœna was not issued until later.

Senator BURROWS. The subpœna was issued on the evening of the 29th of September and handed to the Sergeant-at-Arms.

Judge HANECY. I do not think any subpœnas were issued until the 28th, Mr. Chairman.

Senator BURROWS. I say the 29th.

Senator GAMBLE. No subpœnas were issued before the 22d—I think on the Thursday night of the week of the 20th.

Senator BURROWS. Well, this was issued on the 29th.

Mr. AUSTRIAN. Mr. Browne, I understood you to say yesterday that the testimony of these gentlemen, with reference to having received money from you, was, in your judgment, occasioned by some practice that had never been equaled in the State of Illinois; is that correct?—A. Substantially.

Q. Yes; you know, do you not, from your attendance upon the two trials in the criminal court of Cook County, that Mr. Link and Mr. Beckemeyer denied having met Wilson in St. Louis in July at all before the grand jury?—A. No; I do not know anything of the kind.

Q. Didn't you hear that testimony?—A. I did not.

Q. Don't you know that that was the reason why they were indicted for perjury?—A. No.

Q. You don't?—A. No.

Q. And you never ascertained that fact?—A. I do not think; it was not my understanding that your statement is correct.

Q. You know what Link testified to here and Mr. Beckemeyer—that they had denied having met Wilson in St. Louis before the grand jury, and that Wilson was then put upon the stand before the grand jury and testified that he had met them in St. Louis; is not that the fact?—A. I do not know.

Q. Well, isn't it the fact, as you heard it testified to both here and in the criminal court of Cook County?—A. I did not hear it testified to here at all. I have not been in this room until I was called.

Q. Well, from the transcript?—A. I have not read the transcript.

Q. And no one reported any of the proceedings here to you?—A. I have not read the transcript, neither have I read the testimony complete of any witness in the paper, and neither has anybody rehearsed it to me.

Q. Well, then, I will ask you if you did not hear the testimony given before the criminal court of Cook County?—A. Yes, sir.

Q. Now, don't you know, as a matter of fact, from statements made by Link and other testimony—and Beckemeyer—under oath in your cases, and other testimony there adduced, that Link and Beckemeyer, when first called before the grand jury, both denied having met Wilson in St. Louis in 1909, in the month of July?—A. No; I do not know anything of the kind.

Q. You do not. Then, if they testified to that fact, why, you think they are falsifying in that fact?—A. No; I do not think anything of the kind.

Q. Well, was any unholy measure or process used to make Beckemeyer say that he met you at Starving Rock, just before the meeting at St. Louis?—A. No; not that I know of; I do not know what was used upon him. I simply got the testimony that came out upon the two trials. Beckemeyer made admissions and statements and admissions to the officer that was with him, and I know just what people know that have followed the case along.

Q. Well, now, did you meet Beckemeyer at Starving Rock?—A. Yes, sir.

Q. When?—A. Oh, I can not tell you that, Mr. Austrian.

Q. It was a little while before your meeting with him in June?—A. It was before that.

Q. It was between the 4th and the 21st of June?—A. Yes, sir.

Q. Wasn't it on the 12th of June?—A. I can not tell you.

Q. Was it about the 12th of June?—A. I can not tell you.

Q. Can you tell this committee whether or not it was about a week after the general session?—A. No; I can not tell you that.

Q. The best you can do is to tell this committee that it was between the 4th and the 21st of June?—A. That is the best I can do now, because I have not tried in any way to fix the precise date.

Q. Mr. Browne, if you met Beckemeyer at Starving Rock, between the 4th and 21st of June, it was still necessary for you to see him in St. Louis on the 21st of June?—A. I do not know whether it was necessary or not.

Q. You had just left him after a five months' session?—A. Yes, sir.

Q. And then again met him at Starving Rock?—A. Yes, sir.

Q. And then you wanted to see him again at St. Louis?—A. I did see him again.

Q. And notified him or caused him to be notified to be there?—A. I presume so.

Q. Now, this "shame" you have spoken of, this "crying shame" of Illinois, with reference to the testimony of Beckemeyer and Link, that also applies to Holstlaw, does it?—A. I do not know anything about Mr. Holstlaw; I have no acquaintance whatever with Mr. Holstlaw, I know nothing about his matters.

Q. And you don't know whether his statement that he was paid $2,500 was also the result of this method that you characterized here or not?—A. I would not assume it was the result of such methods, because such methods do not obtain outside of Cook County.

Q. Then if Mr. Holstlaw testified that he received money for voting for William Lorimer, you would not characterize that as having been obtained by reason of this improper or unholy method?—A. I am not in the habit of characterizing anything that I know nothing about.

Q. Then you would not characterize it at all, would you?—A. Why, I have not.

Q. Mr. Browne, I will ask you if, on or about the last day of the primaries, you did not make a speech in the twenty-sixth ward for Mr. Wilson, or on Mr. Wilson's behalf, or in furtherance of his candidacy?—A. Which do you mean?

Q. Either one of them.—A. I made a speech there.

Q. And you spoke in furtherance of his candidacy, did you not?—A. I spoke at the request of his friends, who had the idea that I could do some good for him. I told him I did not think I could.

Q. You spoke in furtherance of his candidacy?—A. I spoke before meeting in his ward.

Q. And at the request of his friends?—A. Yes; and himself.

Q. And you said, did you not, that whatever Wilson did, or words to that effect, he did at your direction?—A. No.

Q. And not to blame him—Wilson?—A. No.

Q. Or nothing to that effect?—A. Yes. Not that, but something else; I can tell you if you want to know.

Q. I do not care for your whole speech, but I want to know what you said on that particular subject, if you can tell us.—A. I said I felt bad to see that this matter should be affecting Wilson with his friends, as it was, because what he did, I felt, in a measure, I was to blame for; that his trip to St. Louis was taken in my interest, in my behalf, and for me, and therefore I felt that in serving me, in doing for me, he had brought this upon himself, and I felt grieved very much. That was it, in substance.

Q. Mr. Browne, Mr. Lorimer was elected on the 26th day of July—I mean the 26th day of May—1909?—A. Yes, sir.

Q. On the first ballot?—A. Yes, sir.

Q. The only ballot taken on that day?—A. Yes, sir.

Q. There was considerable excitement, suppressed or otherwise, in the assembly hall that day, was there?—A. Why, there was no unusual commotion or disturbance. There was a good deal of suppressed interest. There was a very large concourse of people there, both in the galleries and wherever they could get in, but as far as there being any excitement, disturbance, or anything of that kind, I do not think there was as much as there was a number of times that I could tell you of during the session.

Q. Why, Mr. Browne, weren't there some very virulent speeches made that day?—A. Why, during the course of that session there were instances that were much more virulent than anything that took place that day.

Q. I am only asking about that day?—A. Oh, yes; there were some unpleasant instances.

Q. You even asked a man to go out with you?—A. No; I did not say that.

Q. Didn't you say one of the two would not return?—A. I didn't say, "one of the two would not return." No; I didn't say that. I will tell you what I did say.

Q. Not a speech, but just tell us.—A. I arose to a question of personal privilege, and said that during my remarks to this gentleman, that I hoped that he did not intend what could easily be implied from certain things he said; I trusted that he did not, but if he did, if he would repeat them to me at some other place, that probably neither

one of us would repeat those remarks again. I said something to that effect.

Q. Neither one of you?—A. Yes.

Q. You mean one?—A. I said neither one of us would ever use that kind of language.

Q. Did you think both of you would be taken away?—A. I am trying to tell you what I said.

Q. And that was occasioned by the remark that you made in your speech that you could not cash hopes and could not cash fancies or dreams, and English then replied that you might be able to cash votes; isn't that it?—A. I do not know what his remarks were occasioned by, I am sure.

Q. You do not remember that part of your speech?—A. I remember that certain expression.

Q. The expression as I have detailed it?—A. "You can not cash dreams."

Q. And you do not know what reply he made that entailed your invitation to go out?—A. I did not say that to you.

Q. What remark did he make in reply?—A. I can not tell you now the language that he used, but it was language which, in the ordinary acceptation and interpretation of it, would impute wrongdoing and dishonesty to members upon the floor of the house.

Q. Mr. Browne, immediately before the election of Mr. Lorimer or immediately thereafter, did you offer to pay or did you pay anyone for voting for Mr. Lorimer, or by reason of his having voted for Mr. Lorimer, or did you give anyone any money, promise, or reward of any kind, by reason of that fact?—A. Will you please read that question?

(Question read.)

A. Absolutely no; with this exception: I did state to a number of the members of the Browne faction, and I could not tell you who, in canvassing the situation for their votes for Lorimer, that I thought that even from a selfish standpoint it might be an advisable move, because the Democrats would have an opportunity of getting some positions for themselves or their friends that they would not otherwise get. That is all.

Q. You did not hear any talk about any money being paid for votes for Mr. Lorimer on the 24th or the 25th or the 26th or the 27th of May, 1909, did you?—A. Well, now, Mr. Austrian, in any capital, in times like that, there are always loose remarks floating around along these lines. If I did hear anything of that kind, either it was not serious at all or I did not attribute to it anything sufficiently serious, so that I now have any recollection of it.

Mr. AUSTRIAN. That is all.

Senator BURROWS. I want to ask you a question. I understood you to say that the record of the proceedings before the committee were incorrect. I desire to know whether you read from the official work of the stenographer?—A. I owe the committee and chairman an apology for the remark, and also the official stenographer, because I presume that the transcript that I got was from our private stenographer here, the ones that have been employed by us, or by people in this matter.

Mr. AUSTRIAN. "Us" will do.

Senator BURROWS. But you did not read from the official record?—A. No.

Q. Of which you said that the record was incorrect?—A. No; and I judge that the inaccuracies that I spoke of were probably not inaccuracies of the shorthand notes, but simply in the transcription.

Mr. AUSTRIAN. I just want to ask one question that I forgot. Did you contribute to Mike Link's campaign fund in 1909, June or July, 1909, Mr. Browne?—A. No, sir; but I would have been glad to if he asked me and if I had any finances at the time to do it with.

Q. But you did not do it?—A. No.

Q. Whether you would have been glad, you did not do it?—A. No; I did not.

Senator HEYBURN. I desire to ask a question. In response to nearly the last question asked by counsel I understand you to say that you did say to some one and those who voted for Mr. Lorimer, or whom you solicited to vote for him, that it would be to their advantage to do so in the way of patronage. I am merely getting at the effect of your statement. Did you refer to favors that might be granted from you or favors that might be granted or procured from Mr. Lorimer?—A. Why, I did not make it in exactly that way, if you will pardon me, Senator. I stated to them, from a selfish standpoint, that it might be of advantage to the Democrats to do it at that time, to elect Senator Lorimer, because it would give them an opportunity of getting them positions or places there for themselves or their friends that they otherwise would not have.

Q. From whom?—A. I referred especially to Senator Lorimer, of course. I knew of no other way that it would be possible to benefit, and I had nothing definite in view, other than the gratitude that usually comes from a man who is elected.

Senator GAMBLE. You had no direct assurance from Senator Lorimer?—A. No; I never asked any, I never asked any—that was not with me, and it was not with anyone of the members that I talked with, the moving cause of the Democrats voting for Senator Lorimer, but it was a very small consideration, if any.

Q. Did you give any assurances of places or positions to any of the members who would vote for him, or did you mean it of advantage, as you stated in your testimony, to the party as a whole?—A. Generally, generally.

Q. Generally?—A. And the best proof, Senator, that I had nothing definite in view, was the fact that I could not get a job for White after the session closed until clear down to November, and then only a small one.

Judge HANECY. And then you did not get that?—A. Well, I got it, but it was not accepted.

Q. You thought you got it, but you did not?—A. I never could agree with you, Judge Hanecy, upon anything.

Senator BURROWS. Did you desire to examine, Judge?

Senator JOHNSTON. A federal position?—A. Well, no; this was a position under Mr. Monaghan, in the county building. Monaghan is—let us see——

Mr. AUSTRIAN. He is the man that has one of the offices in the county building?

Judge HANECY. No; an appointive position; appointed—an appointive officeholder, appointed by the county clerk.

Mr. AUSTRIAN. The record shows.
Senator JOHNSTON. It is not federal.
Judge HANECY. No, no; it is county.
Senator GAMBLE. What are the politics of Mr. Monaghan?
Judge HANECY. He is a Republican.
Senator GAMBLE. A Republican.
Senator BURROWS. Judge, have you any inquiries to make?
Judge HANECY. Yes, Mr. Chairman, if I may proceed now.
Senator BURROWS. Are you through?
Mr. AUSTRIAN. I am; yes, sir.

The WITNESS. I would like to state, if the Senators would care the moving cause with me, or with those I talked with, the chief moving cause of the Democrats voting for Senator Lorimer, but do not care to press it.

Judge HANECY. Well, I will ask you to do it now.—A. The legislature had been in session since, I think, the 5th day of January. We had voted for Senator, I don't know how many different times. There had been a determined effort, a persistently determined effort to elect Senator Hopkins. Senator Hopkins was not able to muster enough votes at any time to elect himself. He came very near it at first, I think; that is, once he came near it, and there was a disposition upon the part of quite a good many Democrats to oppose him; for instance, Mr. Alschuler, for personal reasons, was bitterly opposed to him, and I will confess now, the only—I think Mr. Alschuler and I were personal friends—the only way I finally secured his support for me, for minority leader, was by assuring him, at his insistence, that I would do nothing at any time to assist in the election of Senator Hopkins—the reelection of Senator Hopkins. I did tell him that I would not. I do not think that George Alschuler would have been for anybody that would not have said that. Now the situation became desperate. Other matters, legislative bills, other matters of importance to the people of the State of Illinois, and all parts of it, were pending. No business could be transacted, and matters were in a terrible and deplorable condition in the State of Illinois, I believe all over the State; the people of the State of Illinois were chiding and complaining every time we got home at the end of the week; what we were doing, how long we were going to stay and spend the State's money in that way.

We recognized the fact that the election of a Democratic Senator was an absolute impossibility; there was not any—there was not even one chance in a million; there wasn't any chance at all; that was out of the question, so that it was a question of the election of a Republican. That the Republicans could not do among themselves and would not have been able to do up to this time. They were in that condition. The majority of the Democrats were favorable to Lorimer, a good many of them; some of them knew him personally, were very friendly to him, especially the Chicago Democrats, very friendly to him, indeed, and others were influenced by them, so that there was a very large sentiment, as soon as his name was broached at all, a very large sentiment for William Lorimer. In fact, the Democrats considered him as being more Democratic in a good many of his views than a great many other Republicans that they knew. For these reasons, and to end the strife, and I think at that time that the Democrats would have voted for any good, sub

stantial, capable, popular Republican; I think they would have done it; I think their constituencies, most of them, would have approved of it. I know I was urged by my constituents everywhere to do it; received letters until I got tired of it to do something of that kind. Now, it was to relieve that condition, to get out of that condition, and to get the matter out of the way that the Democrats voted as they did, a friendship for Senator Lorimer among them. And I will add this, I think there was a little method in their madness. I think they felt that the Democrats felt, wickedly, of course, that it might be the means of splitting the Republican party in Illinois, so that they would have a better chance. I think that was the moving cause.

Examination by Judge HANECY:

Q. Mr. Browne, I call your attention to your letter of June 9 and Mr. White's letter to you in answer to that; have you that letter?—A. I have not that letter.

Q. Do you know where it is?—A. It was written; no.

Q. Have you made a search for it?—A. I have.

Q. Have you been able to find it?—A. I have not.

Q. Is it within your power to produce it now?—A. It is not. I think it was probably destroyed, or it is lost.

Q. What was it?—A. It was a letter, that you will see by reasons of my letter of the 9th, came to me from O'Fallon, Ill., the home of Charles A. White, and must have been written on the 6th day of June, or two weeks—two days after we left Springfield. The letter urged upon me—I remember the substance—urged upon me the proposition of keeping in mind the securing for White a job or position or place, if I could, and also a desire to talk with me or advise with me about embarking in some small business venture of some kind.

Q. Did that letter of June 9, 1909, to Charles A. White refer to payment of money, or to what did it refer?—A. No letter that Charles White wrote me down to the one on the 8th day of September, 1910, when he asked me for a loan, referred to any money.

Q. Was White's visit to you, referred to in that letter, with relation to the payment of any money by you to him?—A. Why, no; no.

Q. Nothing of that kind?—A. No.

Q. Now, I will take your attention to the letter of June 13.—A. The letter that that was an answer to, I have also lost, or it is destroyed. I made no effort to keep any of the correspondence, and how I happened to keep such as I did, I do not know. Private matters of that kind, or matters that are not strictly business, I may be careless, but I never made any practice of keeping them.

Q. Have you searched for that letter?—A. Yes.

Q. Is it within your power to produce it?—A. No.

Q. What was that letter?—A. That letter was also with reference to securing a job or position for him, and in reference to meeting me relative thereto, or talking it over with me.

Q. Did it refer in any way, or was it intended to refer to the payment of any money by you, or anybody for you, to White?—A. Nothing of that kind.

Mr. AUSTRIAN. I object. How can he tell what it was intended to refer to, when it was not his letter.

Judge HANECY. Mr. Browne, I next direct your attention to Mr. White's testimony, in which he says you gave him a one-hundred-

dollar bill about the end of the original session of the forty-sixth general assembly, at the hotel desk. Will you explain that?—A. No such transaction as that ever occurred in the world. I did not give Mr. White any money at the close of the session or at any time during the session, either in the way of a one-hundred-dollar bill or any other bill. As a matter of fact, I was borrowing money myself from the hotel people during the last two weeks that I was in Springfield—borrowed it in small amounts—I think, amounting to $90 in all.

Q. An aggregate of $90?—A. Yes. I paid it up before I left with my bill, not by check, either, and I remember now why I did not draw a check. It was because I felt I had overdrawn my account at home.

Q. Mr. White said that bill had certain marks on it, and after he looked at it and found the marks, he took it back to you, he did not care to pass it. Did anything of that kind occur?—A. No, sir; nothing of the kind.

Q. And then he said that you took it to the desk—took it away from him, or took it to the desk, or took it some place, and had it changed to some bills, and then gave him the same bills. Did anything like that take place?—A. Nothing at all, and I would like to say that that part of the hotel desk in the Hotel St. Nicholas, at Springfield, where the cashier's window is, is encircled by a netting partially, at least, so that anybody standing out near the wash room or to the side, could see anybody inside of that cashier's place, or at the window, and could see what they did, and see who it was, and all about it.

Q. Now, I will take your attention to the 24th of May, the night of the 24th. You have related generally, and probably substantially or fully, what took place, with reference to White's statement that he talked with you. Did Beckemeyer go to your room that night?—A. Judge Hanecy, I am not sure; he may have come there, as I have stated here, I did not go to my room until late that night. He may have come among others; it is possible that he did. I have no recollection of it.

Q. And you have told about White?—A. I have told about White.

Q. Yes; about your interview, if you had any, with White that night?—A. Well, I say I have no recollection of his coming to my room at all that night, although he may have, as others did.

Q. Yes.—A. But I do want to say that the conversation that he first referred to as having taken place in my room on the 24th of May, the night of the 24th of May, or that conversation at any other time or place never took place, either in whole or in part, anywhere.

Q. Mr. Austrian asked you this morning if the interview, or the alleged interview, between you and White on the night of the 24th of May was not the inception or origin of the prosecution in the criminal court of Cook County in the cases of People *v.* Browne, and you said that was an important incident or an important event?—A. It is an important incident in his story.

Q. Now, that is merely preliminary. Did you hear Mr. White's testimony in the two Browne trials in the criminal court?—A. Yes, sir.

Q. Did you hear—what did he say, if anything—who was in his room on that night when he claims you went to his room?—A. He said that I came to his room that night. At first he said about 1.

o'clock; in the second trial he said between the hours of 11 and 2, as I now recollect; that the two Yarborough boys, Otis and Sidney, were in his room, undressed and in bed; that he was there, but not undressed; that I came in and made some joking remark or jocular remark about three in a room, and then said to him that I wanted to see him down in my room; I left and he came down afterwards. That was his testimony.

Q. Did he say that was the time—what did he say as to whether or not that was the time the arrangement or agreement or understanding was had between you and him that he was to vote for William Lorimer for United States Senator?—A. He said——

Mr. AUSTRIAN. Where?

Judge HANECY. On the evening of the 24th of May.

Mr. AUSTRIAN. At what place?

Judge HANECY. I am asking him to tell.

A. He said, in his testimony upon both trials, that upon that evening, May 24, 1909, the first trial, as I say, about 11 o'clock; the second trial he fixed it between 11 and 2; that I first called him up by telephone, telling him I was coming up to see him; that shortly I did come to his room and found what I have stated to you and the people that I have stated; that I then left and went down to my room and he came down to my room almost immediately; and that there and then between us took place the conversation that he describes, in which he charges that I solicited him to vote for Senator Lorimer and promised him consideration, etc.

Q. Promised him $1,000?—A. Yes. Well, I do not think he said—I do not think he said that the price was fixed that night; I think he said the price was fixed the next day.

Q. Well, I am coming to that; that is merely preliminary to another thing. Now, did these things take place that you have referred to in this last answer and in the answer preceding that as stated by Mr. White?—A. Absolutely no; no single one of them.

Q. Did Sidney Yarborough and Otis Yarborough testify in the first Browne trial?—A. No.

Q. They didn't attempt to corroborate——

Mr. AUSTRIAN. I object to the form of the question.

Judge HANECY. Did they testify at all?—A. No.

Q. In that case?—A. No.

Q. In the second Browne trial did Sidney or Otis Yarborough testify in the criminal court of Cook County in relation to what White had said in relation to your presence in their room and their presence in his room?—A. Both of them.

Q. Both of the Yarboroughs?—A. Yes, sir.

Q. Both Sidney and Otis?—A. Both of them.

Q. And that is the same—that Sidney Yarborough is the same Sidney Yarborough who is referred to in the testimony of Gloss afterwards there—Gloss and his wife?—A. The same Sidney Yarborough.

Q. And by some other witnesses there?—A. Yes.

Q. Did you meet with him and Beckemeyer in the hall of the St. Nicholas Hotel, and tell them to go to bed, etc., as related by them?—A. Yes; but not that night.

Q. What night was that?—A. Well, now, I can not fix that, Judge Hanecy, but it was some time the previous week.

Q. They testified—well, one or both of them testified that it was what night?—A. Why, I am not sure whether Beckemeyer testified upon the first trial as to that incident at all. I am not sure. Upon the second trial they both testified it was the night of the 24th of May.

Q. The 24th of May?—A. Yes, sir.

Q. Did anything of that kind take place on the 24th of May?—A. No.

Q. Or the 25th of May?—A. No; they are mistaken.

Senator HEYBURN. Is this testimony for the purpose of laying the foundation to introduce testimony of that trial?

Judge HANECY. No, Senator Heyburn; but it is to contradict testimony these men gave here.

Senator HEYBURN. If these men testified differently at some other trial, isn't it a matter of official record in that court?

Mr. AUSTRIAN. Certainly.

Senator BURROWS. Senator Johnston says it was testimony they gave here.

Mr. AUSTRIAN. They didn't testify here at all.

Judge HANECY. We are not bound by any rule of law to prove by that record, and that only what Beckemeyer or White did testify to there. We can impeach them by the testimony as well as by the stenographer who took it in his notes and transcribed it on paper. He was present in court and heard all of that testimony. I have laid the foundation.

Senator HEYBURN. I do not know what the law in this State is as to stenographers.

Mr. AUSTRIAN. The law is——

Senator HEYBURN. Just a moment. The law in some jurisdictions with which I am familiar makes the notes, the notes of the court, the only evidence that can be produced are what transpired in court.

Judge HANECY. We have not any law, we have not any official reporters in this State at all. There were several laws passed and repealed——

Senator GAMBLE. I do not understand the purpose of the examination; I do not understand—you were attempting to lay the foundation to impeach him?

Judge HANECY. I am contradicting the testimony and impeaching——

Senator GAMBLE. It occurred to me it would have been more competent to have referred to the direct testimony of these witnesses.

Mr. AUSTRIAN. He did not lay the ground for impeachment; he did not ask any one of these witnesses whether they testified on the trial.

Judge HANECY. The Yarboroughs were not produced here.

Mr. AUSTRIAN. Then it can not be impeachment.

Judge HANECY. My purpose in that was to show the conspiracy or combination of White here——

Mr. AUSTRIAN. With the Tribune.

Judge HANECY. With you, if you prefer it. But to show the scheme of White to corroborate himself by introducing incidents or persons peculiar and particular friends of his, he kept calling on afterwards, and who were calling on him afterwards.

Senator BURROWS. Read the question, please.

The REPORTER. There is no question pending.

Senator BURROWS. Judge, proceed.

Judge HANECY. Now, Mr. Browne, I want to take your attention to the interview with White as he relates it, or the alleged interview at the Briggs House in June, when he claims that you gave him $50; that is the first—the interview on the 16th, I think, or it may be the 17th; but go to the 16th; he claims, I think, on the 16th you gave him $50.

Senator BURROWS. What is your question, Judge?

Judge HANECY. Did any such interview take place between you and Mr. White?—A. As what?

Q. At which you gave him $50, and told him that was part of his Lorimer money, and that you would give him the balance of the Lorimer money to-morrow?—A. During the——

Mr. AUSTRIAN. I submit that can be answered yes or no. Now, we have had a full recital of these conversations, and there is a question, not put by me, and if it is read, it can be answered yes or no, did any such conversation take place?

Judge HANECY. I propose to show the facts.

Senator BURROWS. Let the witness state.

A. During the 15th, 16th, and 17th days of June, the time referred to by the witness, and the only days in June that we were together at the Briggs House in the city of Chicago, he was at no time in any room where I was, and the only places that he saw me at all were in the lobby in the hall or possibly in the bar room. I had no such conversation as he refers to, either in whole or in part, and I neither gave him $50 nor any other sum until the day he was going away, the 17th, about noon.

Q. Now, I will come to that later.

Mr. AUSTRIAN. Now, just a moment. Now, I want to submit to the chair that "I had no conversation with him, in whole or in part," is an answer to that question, without a speech. Now, the witness has made a very long answer. I think he answered by the four or five words: "I had no such conversation, in whole or in part." Now, if we are going to have a long review of everything that did take place in answering such questions——

Judge HANECY. I submit that is not a proper method of lecturing this witness.

Mr. AUSTRIAN. I am speaking to the chairman—submitting it to the chairman.

Judge HANECY. I propose not only to cover the particular place or any other place in any room, but any other place, and show he did not give it to him in any place, and the only place he met him was in the hallway, and I propose to call another witness to prove the conversation that took place between Browne and White on the 17th.

Mr. BURROWS. The chair thinks the answer is proper.

Judge HANECY. Did you pay Mr. White $50 on the 16th and say to him, "This is part of your Lorimer money, and the balance I will pay you to-morrow," or that in substance or anything like it?—A. No, sir.

Q. Now, did you meet Mr. White on the 17th of June, 1909, at the Briggs House?—A. I remember of meeting—I remember of distinctly meeting him once; I may have met him more times, but I have no independent recollection of more than the once on that day.

Q. That was the 17th?—A. Yes.

Q. Where did you meet him then?—A. In the lobby of the Briggs House there are two large posts or pillars; I met him in front of the front one, toward the front door, out quite a ways from the desk and really way out toward the front door.

Q. On the 17th of June, 1909, at the Briggs House, or any place else, did you give to Charles A. White $850 in $50 bills or in any other denomination and say to him, "Here is the balance of your Lorimer money?"—A. Absolutely, no.

Q. Did you say that at any place or at any time—did you give him that amount of money or any other amount of money at that place or any other place at any time and say, "This is the balance of your Lorimer money?"—A. Absolutely, no.

Q. On the 17th of June did you have a talk with him?—A. Yes, sir.

Q. With Mr. White in the lobby of the Briggs House?—A. It was the day, Judge Hanecy, that he was going away, and I assume it was the 17th, because the hotel register shows it. Of course I have no independent recollection of its being the 17th.

Q. Now, what took place between you and Mr. White on that day?—A. I said I was talking with some friends. Mr. White—it was about noon, around about noon; it may have been before that some time or it may have been after; that is as near as I can fix it—Mr. White came up to me and says, "Lee, I am going home to-day. I says, "Is that so," or something of that kind, and wished him a safe journey. He says, "I want to see you after a little bit." I says, "You can just as well see me now," and I stepped aside with him possibly as far as from him to the Senator's chair [indicating].

Q. About 5 or 6 feet?—A. Well, yes; I should say 6 feet—a couple of steps. He said, "Can you let me have a little money?" I am not sure whether he said also at the time, "I am a little shy," or "A little hard up," I can not recollect, but I do recollect just what I am telling; there may have been a little more. I said, "How much do you want?" and he told me. Now, whether he said $25 or $30 I can not tell you, but it was a small amount, less than $50, and I said "Yes." I put my hand down in my pocket, my left-hand pocket, and pulled out a small roll of paper money I had; I recollect I had less than $100 with me; that is my recollection now. I pulled it out and counted off either $25 or $30; whatever he asked for I gave it to him. He folded it up and put it together and put it in his pocket. I think that he shook hands with me, at least he bid me good-bye—I think he shook hands with me—turned, and walked away. Now, that is the last that I saw of him.

Q. Was that in the open lobby, so any one there could see what took place?—A. It was there in the open lobby within twenty feet of the clerk's desk, a few feet in front of the big pillar, the front one of the two big pillars, there in plain view of everybody in the lobby as everything else is in view in the lobby.

Q. Mr. White told about several boat trips, and you have referred to them. Who paid the expenses of those trips, the trips that White was a member of the party?—A. Oh, I presume that Mr. Zentner and Mr. White spent some little money, a drink now and then, or something of that kind, but I paid the bills; I paid the expenses.

Q. Who paid the fares of White and his expenses?—A. That is my recollection that I paid all fares.

Q. How long did these trips take; I do not want you to go into detail?—A. Four days.

Q. Four days altogether?—A. Yes.

Q. About what were the days?—A. Starting on the 15th, Sunday, the 15th day of August, in the morning, occupying Sunday, Monday, going back to Chicago, Tuesday starting out again, Tuesday night, Wednesday going back to Chicago, and Thursday morning; three trips consuming four days.

Q. And what was the entire expenses of all of the party during all those trips?—A. Well, Judge Hanecy, that is pretty hard to state.

Q. Well, about, I don't want it exact?—A. Well, at an outside estimate——

Mr. AUSTRIAN. I object to an estimate; if he does not know let him say so.

Judge HANECY. Give us the largest figure you know it amounted to?—A. The outside estimate could not have been $125; I think probably a good deal less than that.

Q. For the entire party?—A. Yes. There was no way of spending any more.

Q. The expense of the trip over there, the fare, I think, was 50 cents.—A. I think the trip to Muskegon——

Senator BURROWS. You don't care about that.

Judge HANECY. No; I don't care about that.

Q. I think you have explained your effort to get Mr. White a job, the one that you were trying to get from Mr. Monahan?—A. I used whatever efforts and influence—yes, I used efforts in every way I could, and whatever influence I had.

Q. I think you did tell of the conversation between you and White at the special session?—A. Yes.

Q. I mean the—yes, the first.—A. I would like to call your attention, however, to the fact that you have omitted to inquire relative to the conversation that he says he had with me in the St. Nicholas Hotel on the 25th of May, when he claims that I spoke to him and took him up to my room and asked him what is the matter with him.

Q. Won't you tell us that conversation?—A. There was no such conversation took place; nothing of the kind took place; I have no recollection of it. I know I did not go to him and call him up in my room, or take him into my room. If he was in my room on the 25th he came voluntarily, as he frequently did.

Q. If he got there, if he did get there, did you have such a conversation as he related?—A. No; neither then or any other time.

Q. Mr. White testified that you and he talked over the Belleville letter, the letter that you wrote to the Belleville paper; after you and he talked it over fully, he wrote it out and then took it to you and you made certain corrections and he then rewrote the letter as corrected by you and sent it to the paper and had it published in that way. Was that the fact?—A. May I make——

Mr. AUSTRIAN. I desire to object to the form of the question. I say that Mr. White did not so testify. Furthermore I say it is absolutely improper to incorporate the testimony of the witness in a question like that and ask if that is the fact.

Judge HANECY. I am going to let him tell what is the fact. I propose to show that he never saw the letter.

Mr. AUSTRIAN. Let him testify, I have no objection.

Senator BURROWS. Put that question to him direct.

Judge HANECY. That is what I want, the substance of it is what I want.

Q. Now, what is the fact, Mr. Browne?—A. I would like to make this suggestion, Mr. Chairman, I think it is probably of some value: On the first trial—the first one of my trials, this letter was shown to White in the paper. He said that it was his letter, that he wrote it. He made no explanation relative to me or my having seen it in any way. On the second trial he testified that he had written it and taken it to me, and I had made certain corrections in it and then sent it. What his testimony was at this hearing, I don't know.

Q. Now, what is the fact?—A. When this letter was introduced upon the second trial of the Browne case, the second trial of my case, one of the newspaper boys—and that was before Mr. White's, before Mr. White's redirect examination, after he had identified it as having been a letter of his, one of the newspaper boys leaned over and said to me——

Mr. AUSTRIAN. Oh, I object.

Judge HANECY. Never mind.

Senator BURROWS. Can't you come directly to the question, whether you corrected the letter and then passed it to him?

A. Yes. I never saw the letter, I never heard of the letter until the day—that is either in print or any other way, until the day that Mr. William S. Forrest, my chief counsel, and myself were leaving his office on the first day of my first trial to go to the criminal court in the city of Chicago, to be present at the trial. At that time a personal—a friend met us at the door——

Mr. AUSTRIAN. Now, I submit, he said he never heard of it up to that time. Does not that answer the question?

Judge HANECY. And that was on or about the 7th day of June, 1910?—A. I think so. He said—he asked if I had seen this and showed me the letter, or showed me the paper, a copy of it, and I said, "I did not." That is the first I had ever seen or ever heard of it in any way.

Senator BURROWS. Now, Mr. Browne, the question is whether the letter was passed to you and you corrected it?—A. I never heard of it.

Mr. AUSTRIAN. That is the question.

Senator BURROWS. That they passed it to him and he kept it?—A. I never saw it or heard of it in any way.

Senator BURROWS. That is the material question.

Judge HANECY. Yes.

Q. Do you know Mr. Meyers, a member of the house, the forty-sixth?—A. Yes, sir.

Q. Where did he sit with reference to you?—A. I sat three seats back from the front.

Q. From the front row?—A. The third seat back from the front of the house, the third row back on the first aisle to the left to the main, the center aisle as you face the front of the house. I sat the third row back on the right-hand side of that aisle as you face the front. Mr. Meyers sat, as I now recollect, three seats back of me on the opposite side of the same aisle, and on the aisle both of us.

Q. Do you know McCann, the one-armed page of the house?—A. Very well.

Q. Was he there with you that day?—A. What day?

Q. The day of the election of William Lorimer as United States Senator?—A. He was there upon the floor as a page.

Q. Where was he with reference to your desk during the time of the roll call for the election of the United States Senator, the one on which William Lorimer was elected United States Senator?—A. He was where he usually was when I was taking any interest in anything or taking active part in any proceedings that were going on, and that was at my desk.

Q. Did he sit on a seat with you or where?—A. No, no.

Q. Describe it; did he stand at the aisle?—A. He stood in the aisle.

Q. Right at the side of your desk?—A. At the side of my desk. It, of course, was in front of my chair. My chair is an ordinary swinging chair. Here [indicating] is the desk, and then an elevated part of the desk about that wide [indicating], to piece across there [indicating], elevated possibly that far above the main top of the desk [indicating]. He stood right there [indicating] in the aisle at the side of the desk.

Q. What was he doing?—A. Well, just before the senate came in, I sent him down, I think I sent him down, either I did or some other person next to me sent him down, for some roll calls, that is sheets to keep a roll call. He came back with them and kept one himself, and he gave the others to different members there, I think Alschuler one, I think Tom Gorman one—Thomas Gorman one—pardon me.

Q. Well——A. And kept one himself.

Q. What did he say?—A. He kept the roll call.

Q. That is, he kept it on that blank?—A. The roll I should say.

Q. He kept the roll as the joint session was called?—A. Yes, at my desk, and he had that, he did that on this elevated part of my desk as he stood in the aisle next to me.

Q. Was he there all the time during the roll call which resulted in the election of William Lorimer as United States Senator?—A. Yes, from the time he brought the roll call back and that is just before the senate came in, he never left until after the result was announced, and I remember particularly of his jumping up and down in the aisle and showing his joy.

Q. Now, will you go back to Mr. Meyers, a member of the house. Did you send for Mr. Meyers on that roll call, or during that roll call or just before the roll call, and did he come to your desk?—A. No, sir.

Q. During the roll call of the joint session that resulted in the election of William Lorimer as United States Senator.—A. I did not.

Q. Did you send for him on that day at any time to come to your desk?—A. No; I have no recollection of having sent for Mr. Meyers at any time.

Q. Did Mr. Meyers come——A. I would like—pardon me.

Q. Go on.—A. It was not a custom or practice of mine to send for members to come to my desk. I presume I did it sometimes, but it was a rarity if I did. If I wanted to see some one, I went to his desk, as a rule.

Q. Did you, during that roll call that resulted in the election of William Lorimer as United States Senator, send for Mr. Meyers or did he come to your desk on anybody's invitation or suggestion, and did you say to him in substance: "Can you or will you vote for Wil-

liam Lorimer for United States Senator," and did he say, "No; I won't," and did you say, "That there was plenty of the ready necessary in it, and state jobs?"—A. No, sir; no part of that, and neither did he come to my desk during that time, and neither upon that day would I have asked him to vote for Senator Lorimer and there was a good reason why.

Q. Why, did you talk to him about it before that time?—A. Yes; several days before in the lobby of the St. Nicholas Hotel on one of the settees I had broached the subject to him, I presume it was, maybe a week before, and I asked him whether he could vote for Lorimer or something to that effect. He said, "Lee, I could not do it, I could not do it and go home to my people, my people would not stand for it, and it would mean my political death." I said, "George, every man must look out for himself in these matters; you owe it to yourself, and if it is true, don't vote for him, and don't let anybody persuade you to," and I never asked him after that relative to that.

Q. Did he say—did Mr. Meyers say why his people would not stand for his voting for Senator Lorimer, whether it was personal or political?—A. Well, he gave me the impression from what he said that it was because they would not stand for a Democrat voting for a Republican.

Q. Any Republican?—A. Yes.

Q. Did you ever have such a conversation, as I related a moment ago, with Mr. Meyers in which you tried to induce him to vote for Senator Lorimer, and offer him or state to him that there was plenty of the ready necessary and state jobs? Did you ever have that conversation with him, at any time or place?—A. Why, no.

Q. Or any part of it?—A. It is absurd.

Senator BURROWS. I did not hear the first part of your answer.

A. I say, no, sir; I never did.

Mr. AUSTRIAN. I move that the expression "it is absurd" be stricken out, the characterization of the witness. It is for the committee to determine whether the statement is absurd.

Senator HEYBURN. The committee will determine; it will be stricken out.

Senator BURROWS. Anything further?

Judge HANECY. If you will pardon me just a moment, Mr. Chairman; I am just checking off here.

Q. Mr. Austrian asked you if you ever testified at either of the two Browne—so-called Browne—trials here in the criminal court in Cook County, and you said "no." Why didn't you testify?—A. There were two reasons, only one of which had any moving force with me. One, that my counsel urged especially, was that there was a special grand jury kept waiting especially, as they claimed, for me, to indict me if I did testify.

Q. Without regard to what your desire was?—A. Yes; but despite that fact I insisted upon going upon the stand upon both trials, and wanted to, and had an open rupture with a least one of my counsel because I was not permitted, and one of my counsel, at least, notified me he would withdraw from the trial of the case.

Mr. AUSTRIAN. I move that be stricken out, the conversation between this man and his counsel; I move that be stricken out.

Judge HANECY. The subject-matter, Mr. Chairmen and gentlemen, was brought out by Mr. Meyers, showing to this committee that

he never did testify. Now, he had some purpose in that, and the purpose was to show that Mr. Browne was afraid to testify in that case, or at least that would be an inference that might be drawn from it.

Senator BURROWS. Let Mr. Browne state why he did not.

Mr. AUSTRIAN. He has testified, he has stated; but I object to the conversation between him and counsel.—A. Pardon me; the only reason that moved me, Mr. Chairman and gentlemen of the committee, the only reason with me, the moving cause with me, was because my counsel would not let me.

Senator BURROWS. Well, that answers it.

Senator GAMBLE. You were willing: you say you were willing?—A. I was more than willing; I had a quarrel with counsel on account of that.

By Judge HANECY:

Q. You said that Senator Lorimer was at Springfield and before the legislature for a considerable time before his candidacy for United States Senator?—A. Yes, sir.

Q. What was he doing there?—A. I don't know. He was very active on the matter of deep-waterway legislation. I have an idea that he also had this senatorial proposition in view, and that he was antagonistic to Senator Hopkins. That is only a matter of inference with me.

Q. Did you ever pay Charles A. White a thousand dollars in any sums at any time or at any place, or did you pay him any other thing of value at any time or any place on a promise or understanding or arrangement that he was to vote for William Lorimer for United States Senator or because he had voted for William Lorimer for United States Senator?—A. No; neither that or any other sum.

Q. Well, I meant to cover any sum or any other thing of value?—A. Nothing.

Q. I will ask you the same question with reference to Beckemeyer?—A. I give you the same answer.

Q. I will ask you the same question with reference to Michael Link.—A. The same answer.

Judge HANECY. I think I am very nearly through, Mr. Chairman, but I would like to review this before I let this witness go.

Senator BURROWS. The committee will take a recess until 2 o'clock.

(Whereupon an adjournment was had until 2 o'clock of the same day, Friday, October 7, 1910.)

AFTERNOON SESSION.

FRIDAY, OCTOBER 7, 1910.

At 2 o'clock p. m. the committee met pursuant to recess, and the following proceedings were had:

Lee O'Neill Browne resumed the stand for further examination by Judge Hanecy, and testified as follows:

Judge HANECY. Mr. Browne, have you been trying to conceal yourself or to avoid coming before this committee, or to prevent a subpœnae from being served upon you at any time?—A. No, sir.

Senator BURROWS. What was the answer?—A. No, sir.

Judge HANECY. I believe you stated when you first learned a subpœnae was issued for you—did you—did you state it here to this

committee? Oh, I think it was Mr. Broderick. Do you know when you first learned that a subpœnae was issued for you, or that you were wanted here?—A. Yes; on Saturday afternoon last.

Q. What, if anything, did you do then about notifying the sergeant-at-arms, or having somebody do it?—A. I was stopping at the Briggs House, as I have been since the sixteenth of September, pending being called here, and at the request of the parties in the case. On Friday night, late, I left the Briggs House, Friday evening, thinking there would be only a half-day session on Saturday, and certainly I would not be called then, or I would have been subpœnaed, and I left the Briggs House and went out into one of the suburbs of Chicago to spend the time intervening between then and Monday. Saturday afternoon I picked up a paper, I think it was the Journal, and discovered that I was concealing myself.

Q. You discovered that somebody said you were?—A. The paper said I was. I immediately telephoned or tried to get my attorney, Mr. Dawson, by phone, and I failed, and I next got a friend of mine at the Briggs House, by phone, and instructed him to get into touch with Mr. Dawson and have Mr. Dawson notify—I did not know the gentleman's name then, but I do now, William Nixon, who had charge of the process, and inform him that there was no necessity of hunting for me, and that I would be in not later than Tuesday—that I would be in Monday morning, if I was required, or I would come Sunday or any time. Mr. Dawson did, as I discovered afterwards——

Q. Saturday afternoon?—A. Yes; I called up again Sunday—I called Mr. Dawson personally, and he said it had been done.

Q. What had been done?—A. That Mr. Nixon had been informed, and said that it was "all right;" that I would be wanted the first of the week, or words to that effect.

Senator GAMBLE. I might ask you, was any copy served upon you—copy of the subpœnae when you were served?—A. There was no service had upon me, Senator, to my knowledge. On Monday forenoon I called up Mr. Dawson, and I had him meet me—I met him down town, rather—I met him, and we came over here, and I went up into Mr. Nixon's office, and I was introduced to Mr. Nixon, and I told him I accepted service.

Senator GAMBLE. The only thought I had in making the suggestion was this: That if a copy was served upon you of course the original would show the date of its issue.—A. I don't know when it was issued, but there was no copy——

Senator GAMBLE. My recollection of it in regard to the issuing is that it was probably on Thursday night. Possibly I may be in error.—A. There was no copy served upon me. I was served in the room here in this building—in the marshal's room.

Judge HANECY. You accepted service?—A. Yes.

Q. And you came up here for the purpose of being served?—A. For no other purpose. And I desire to say in my own behalf that there was no second or minute that I was either trying to evade service or desired to be away when called by this committee or anyone connected with this investigation. I had nothing to conceal, and I have had no desire to conceal myself, and those articles in the papers were simply in line with the treatment that I have received for five months at the hands of the press in this city.

Judge HANECY. That is all.

Further examination by Mr. AUSTRIAN:

Q. Mr. Browne, did Judge Hanecy at any time tell you that he had been notified that you were on a list of witnesses that had been handed him on the 20th day of September?—A. Yes, sir.

Q. He did, did he?—A. Yes, sir; and he told me before the investigation started that he would want me as a witness himself, if the other side did not, and I told him I would be here as soon as the investigation started, and I would remain here, and I have done so.

Q. Then Judge Hanecy was fully advised of your presence and whereabouts; is that correct?—A. Yes.

Q. Since the investigation started, at all times?—A. Of course, Mr. Austrian, I am not a mind reader, but I know of no reason why he should not be.

Q. I forgot to ask you this: Are you a married man, or a man of a family?—A. Pardon me, just a minute, in reference to that previous question. During those two weeks there were three times when I was out of town, necessarily, on business, and when I went out into the suburbs on Friday night, and I did not notify Judge Hanecy where I was going. Now, at those times of course he could not know. No; I am not a married man.

Q. Other than those times you have just indicated Judge Hanecy did know?—A. I presume so. My home has been the Briggs House, and I have not been away from there to speak of except to be around town.

Q. Mr. O'Donnell appears here, and Mr. Hanecy who appears here—they are your counsel, aren't they?—A. Oh, I can not say that Judge Hanecy is my counsel. I have not——

Q. You have answered.—A. I never paid him anything for it.

Q. Mr. Browne, do you not want this committee to understand that Mr. White on any one of the prior Browne trials, or any one of the Browne trials, testified that at the time he said you had the conversation with him with reference to voting for Mr. Lorimer that anyone was present, either Yarbrough or anyone else?—A. Oh, no; the conversation that he referred to he has always insisted occurred in the presence of nobody but himself and myself in my room, as I understand it.

Q. Yes; you said on the 16th or 17th of June Mr. White borrowed $25 from you?—A. Well, I did not say the 16th or 17th. I said the 17th, being the day that he went away, and I fixed it by that, and by looking at the register.

Q. And you don't know whether it was $25 or $30, is that correct?—A. No; I can not tell you the amount.

Q. That was all repaid to you, was it?—A. My impression is, Mr. Austrian, that he handed that back to me in the latter part of July. I have no independent recollection of it, but I figure he paid it to me then.

Q. But you have a distinct recollection he borrowed it?—A. Yes.

Q. Why isn't your recollection as distinct about receiving it back as it is that he borrowed it? Can you tell this committee that?—A. No; I can not tell you why my mind does not work along the lines you suggest.

Q. The payment back to you was subsequent to the time of the borrowing?—A. Necessarily.

Q. And you can tell this committee you have a distinct recollection about putting your hand into your left trouser pocket and pulling out a small roll of bills and, as you say, unfolding $25 or $30—your recollection is refreshed——A. I did not say that.

Q. What did you say?—A. I say a small roll of paper money, less than $100, and I counted off some bills and gave it to him.

Q. You said $25 or $30, didn't you?—A. I said $25 or $30, a small sum, less than $50.

Q. You have a distinct recollection you had less than $100 at that time?—A. I have no independent recollection, but that is my impression.

Q. You have no impression of when he paid it back—you have no independent recollection of when he paid it back to you, have you?—A. Yes, but I have nothing clear or definite, except that my mind tells me that it was paid back; I think it was at that time.

Q. Mr. Hanecy, would you be kind enough to give me the exhibits you introduced, please, the Belleville letter?

Senator GAMBLE. May I interrupt you? As I recollect your testimony in chief, Mr. Browne, you spoke about borrowing from Mr. White at one time.

Mr. AUSTRIAN. In August.

The WITNESS. During the lake trip.

Senator GAMBLE. That was something like $25, was it?—A. Something along there.

Q. And what was the date of that?—A. Mr. Senator, that was some time between Sunday morning of August 15 and Thursday morning of August 19.

Q. That was in August?—A. Yes.

Q. And at about the same time, you say you took from him or kept something like $200?—A. No, no; I didn't say $200. I did not state the amount. I am unable to state what the amount was.

Q. I thought Mr. Austrian suggested a certain sum?—A. Well, I don't know whether he did or not, but I am unable to state the amount.

Q. When you took this money; when was that?—A. That was, as near as I can recollect, on the night or evening rather, of Thursday, August 19, or the next day.

Q. Those two transactions, in regard to the borrowing on your part of $25, and your keeping for him——A. Safe keeping.

Q. ——safe keeping of money were in the month of August?—A. Yes.

Q. I had gotten it confused with the month of July, and that is the reason I asked the questions.—A. All right, Mr. Senator.

Judge HANECY. I don't know, but I supposed I got that back from Miss Lawler.

Miss LAWLER. I am positive you did.

Mr. AUSTRIAN. I think I can find it in the transcript, Judge.

Judge HANECY. It is a printed slip.

Mr. AUSTRIAN. I have it in the transcript.

Judge HANECY. All right.

Mr. AUSTRIAN. Mr. Browne, you now recall, do you not, the contents of the alleged White letter to Mr. Kern, of the Belleville Democrat, if I remember the name correctly?—A. Only in a general way, Mr. Austrian.

Q. I understood you to tell this committee that you assisted Mr. White in the preparation of bills, the revision of labor measures that he was interested in, etc.—A. Yes.

Q. And that Mr. White was not a literate man, and I believe you used the expression that he was somewhat an illiterate man?—A. I did not say that he was one or the other.

Q. Well, was he a literate man or an illiterate man?—A. Well, I would not call Mr. White an illiterate man. I would call him a man of very ordinary education and very ordinary literary attainments; I would not call him illiterate at all.

Q. White did not even spell correctly, did he?—A. Well, some times I have noticed inaccuracies in his spelling.

Q. Now, in this article, "Exhibit T" (Rec., p. 312), White says:

It gives me pleasure to know that there are men in public life, prominent in the Democratic party, who can look upon a situation of this character with as broad and liberal views as you have expressed yourself through the editorial of your valuable paper. The Republican party of this State is, as has been demonstrated in this present session of the legislature, divided in such a manner that it was practically impossible, beyond any reasonable doubt, for them to settle this long and expensive drawn-out contest, and feeling that the State of Illinois should be represented in the United States Senate during those critical moments by a man from this State, I felt it a public duty, after careful conference with older and more experienced workers in the Democratic ranks, to cast my vote for the Hon. William Lorimer for United States Senator.

Now, Mr. Browne, does that sound to you like Mr. White?—A. I can not say to you, Mr. Austrian, that it sounds like anybody in particular.

Q. You knew White?—A. I knew White.

Q. You knew White well at that time?—A. I have stated how well I have known him.

Q. You did know him well?—A. I have stated how well I knew him.

Q. Did you consider that you knew White well or that you did not know him well?—A. It is immaterial what I considered.

Q. I want to know whether you knew him well or not?—A. That depends on what you mean by "well." I have stated to you and to the committee how I knew him—my acquaintance with him.

Q. Didn't you know White well enough to know whether he was capable of writing a letter to a newspaper couched in that phraseology or language?—A. I am not prepared to say that White was not capable of writing a letter of that kind. I am not prepared to say that White did write that letter. I am not prepared to say who did write that letter. I do not know who wrote the letter.

Q. Did White talk to you anything about writing a letter to his home newspaper, or a newspaper in his home vicinity?—A. Absolutely not.

Q. Didn't confer with you about it?—A. No.

Q. You never knew anything about it?—A. No.

Q. Nor heard anything about it?—A. No.

Q. Directly or indirectly?—A. Directly or indirectly.

Q. Now, did White ever express to you the fact, during the special session of the legislature, that he had been ostracized by his constituency in his home town by reason of his vote for Mr. Lorimer, or anything akin to that?—A. We only had the one conversation, that I spoke to you about, and I don't believe, Mr. Austrian, that that

was embodied in our conversation. The conversation was very brief; and as I say, he seemed to not want to have any talk with me, and I do not believe that matter was touched upon.

Q. Did anyone else express to you any statements that had been made to that person or such persons from White, with reference to his constituency, by reason of his voting for Mr. Lorimer?—A. When do you mean did they?

Q. During the special session.—A. I can not remember; they may have.

Q. You stated, in response to a question put to you by Mr. Hanecy, the reason why one of your counsel or lawyers had not permitted you to go upon the witness stand was that he had been informed that there was a special grand jury wanting to indict you, whether you testified to the truth or to a falsehood. Do you mean to be understood that way?—A. I mean to be understood——

Q. Well, wait. I want to know whether you want to be so understood. That is my understanding. If I am incorrect in my understanding, just say so.—A. You have stated it with substantial accuracy.

Q. Now, as a matter of fact, during the course of your entire first trial there was no special grand jury, was there?—A. No; well, I say "No," but I don't recall that there was, now.

Q. You have not heard that there was, have you?—A. I say, I do not recall that there was.

Q. Now, during the second one of your trials, Mr. Browne, a special grand jury was not convened nor called until after the defense started to put in testimony?—A. It was called some time during the trial.

Q. Were you afeared that if you testified to the truth that you—and I mean you personally, you personally I am talking about, and not what some one told you—were you afraid?—A. Well, do you mean afeared or afraid?

Q. Well, you can take it either way. It is just like the yea and nay. Just answer yes or no.—A. I want to know if I understand you; I just wanted to know if I understood you, that is all.

Q. Well, you can take either one. Were you afraid, Mr. Browne, or afeared that if you testified to the truth in any proceeding against you in the criminal court of Cook County, that 23 men constituting a special grand jury of this county would indict you?—A. No, sir, Mr. Austrian; there was no spot or place in either trial that I was afraid of any grand jury in any proceedings against me, but I did consider that I had to be subservient to the wishes of my counsel, or to my counsel, and I could not afford to have my counsel desert me in the middle of a case.

Q. I have asked you if you were afraid?—A. And I have told you "No."

Q. That would have been an answer. Mr. Browne, the grand jury in the State of Illinois consists of 23 men, doesn't it?—A. Yes; that is the number of men.

Q. And the panel from which the grand jury is selected in Illinois or the county of Cook, so far as you know, is a special panel, isn't it, drawn from a jury box, known only as the grand jury list or the grand jury box; is that correct?—A. Yes.

Q. And the 23 men constituting the grand jurors in the counties of this State are supposed to be the more intelligent and the more representative men of the vicinities from which they are drawn?—A. I never heard of it.

Q. You never heard of it. Then what did you construe or consider that the special grand jury was made up from, and what were the purposes——A. The men were supposed—I can not tell you your procedure in Cook County.

Q. That is what I am referring to.—A. You have jury commissioners here, and I am not familiar with your procedure. Out in the other districts of the State, all over, outside of Cook County, the supervisors place in the box each year in September, lists to be drawn from, as I understand it. I never paid very much attention to that, either.

Q. You say that your counsel—what counsel do you refer to as having made the statement that you would have been indicted for perjury, whether you testified to the truth or not? What counsel gave you that direction or advice?—A. Unless the committee insists on it, I do not care to discuss——

Mr. AUSTRIAN. I insist upon it. He has detailed conversations between himself—I remember the admonition of one of the Senators with reference to calling for declarations between counsel and client. I objected to it, and over my objection he was permitted to testify that he did not go on the stand, because his counsel would not permit him, and Judge Hanecy put one of these questions with reference to the grand jury: "They would have indicted you whether you swore to the truth or not." Now, I want to know what lawyer at the bar, here in Chicago, will advise a client that he would be indicted by a special grand jury for perjury whether he testified to the truth or not?

The WITNESS. I would like to say, in that connection, if the committee please——

Mr. AUSTRIAN. Just a minute, please, I want a ruling on my question.

Senator BURROWS. You may answer.—A. I think, Mr. Chairman, that my counsel were nearly unanimous upon the proposition that if I went upon the stand, especially during the last trial—if I went upon the stand and testified, denying that I paid money to White and to Beckemeyer and to Link, on the face of their statements, that I would be indicted by the grand jury. I think my counsel all agreed that the state's attorney of Cook County would see to it that that was done, and that he was terrifically interested.

Senator BURROWS. That was the advice given you by counsel?—A. I think it was unanimous, Mr. Chairman.

Mr. AUSTRIAN. Who constituted that unanimous counsel?—A. Well, there was William S. Forrest, who was chief counsel, Patrick J. O'Donnell, and Charles Erbstein, and I considered it at that time, and that matter, that Judge Hanecy was an advisory counselor, and he agreed with it.

Q. Of the counsel whom you have mentioned, the three counsel who appear here for Mr. Lorimer were your counsel in that case, is that right, Mr. Bachrach—Mr. Forrest's partner was one of them?—A. He was not one of them, and never has been.

Q. He took no part in the proceeding?—A. No.

Q. Mr. Hanecy is the same Judge Hanecy who appeared in tha trial?—A. Yes.

Q. And Mr. O'Donnell is the same O'Donnell?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Senator BURROWS. Is there anything further?

Judge HANECY. That is all, Mr. Chairman.

Senator FRAZIER. Mr. Browne, I want to ask you a question or two

Q. Was there a Democratic nominee for United States Senator a a primary preceding the meeting of the legislature?—A. There was Senator.

Q. Who was that?—A. Do you mean the one selected at the pri maries in that year?

Q. Yes.—A. That was Lawrence B. Stringer.

Q. Did the Democrats of the legislature vote for Mr. Stringer, al of them, up to a short time before Mr. Lorimer was elected?—A. No by no means.

Q. Did he, at any time, receive all of the votes of the Democrati members of the legislature?—A. Yes; yes, he did, Senator; I thinl along at the first he did for some time, and then they began breakin away on complimentary votes to please this one and that one in thi locality and that locality. I would not state the number, but a grea many men were voted for.

Q. Did these Democrats who had voted for a certain time for Mr Stringer vote for other Democrats or did they vote for Republi cans?—A. Democrats.

Q. Democrats?—A. Yes.

Q. When Mr. Shurtleff came to you and suggested to you th proposition to see whether or not there could be an arrangement o agreement by which the Democrats, or certain Democrats in the legis lature, could be induced to vote for Mr. Lorimer, I believe you stated upon yesterday that you told him you would take the matter unde advisement?—A. Yes.

Q. And thereupon you did advise with certain friends, politica friends or otherwise, outside of the legislature?—A. Yes.

Q. Have you any objection to telling some with whom you ad vised with respect to that matter?—A. No; I advised with my part ner at home, my law partner, for one; I advised with a man by th name of—well, no, I did not advise with him before—I had de cided, but I think I talked the matter over with an old partner o mine, a man I was in business with the first time, a man by the nam of Ayers. I do not now recollect—although he was a Republican—I do not now recollect that he advised me to adopt that course. I could not go on and specify, because I talked with a great many Senator, a great many persons were asked along that line in a ver short time.

Q. Did you come to Chicago in the interim, between the time th matter was suggested to you by Mr. Shurtleff and the time you de cided upon the course you would take?—A. I can not tell you that for this reason: When I come home from Springfield I usually com to Joliet on the Alton, that is 40 miles below here, and make quic connection across town to the Rock Island, upon which road I live and go out on that 40 miles, so that I do not get to Chicago, goin that way. Now, whether I came on through to Chicago or got off a Joliet and went out home I can not tell you now.

Q. Did you advise with any one or number of people in Chicago with reference to the course you would take?—A. I received communications from a large number.

Q. Can you recall any?—A. I can recall one especially now. A man who used to be a very prominent man in my country, who is a prominent business man, James McQuay, of the Garden City Sand Company.

Q. Did you advise with anybody else in Chicago, any politicians or statesmen?—A. I do not now recall that I did.

Q. Was there any conference between you and any other gentlemen interested in politics in the State, with reference to the course that you and those associated with you should take, as to the suggestion of Mr. Shurtleff, between the time it was suggested by him and the time you determined upon it?—A. Not outside of the legislative members on my side, Mr. Senator, and no conference among them as a conference would be regarded. Mr. Cermak, Mr. Werdell, myself, and probably one or two others met once or twice.

Q. Was there at no time any conference of the men interested in politics in the State and those associated with you with reference to the matter before you determined upon the course you took?—A. No.

Q. Then you determined upon that substantially upon your own judgment?—A. No.

Q. What did you base your determination to take up the matter for Mr. Lorimer on?—A. On what seemed to me, and to the others that I talked with, to be a reasonable course to pursue under the circumstances. You must understand, Senator, that at that time the Democratic side was pretty badly split up, not only in the legislature, but outside, and it was a real split, too, and not a fancied one.

Q. Did you reach a conclusion at that time that it was impossible to elect a Democrat to the Senate?—A. Yes; yes.

Q. Had you considered the question, or did you consider the question, in making up your determination on Mr. Shurtleff's suggestion, as to the advisability of continuing the deadlock, so as to allow the legislature to adjourn without electing a Senator at all?—A. Yes; that had been considered.

Q. Did you advise with any Democrat as to the wisdom or propriety, from a party standpoint, of taking that course?—A. Yes; I can not remember of anyone in particular, but I did with several, Senator, and that would be an added reason, if anything——

Senator BURROWS. Speak louder.—A. I say that would be an added reason, if anything, why, perhaps, an election was brought about, was that it was—Governor Deneen was not very popular with a good many of the Democrats, for a good many reasons, and it seemed to be the view and the idea among them, a good many of them, that it was Governor Deneen's plan and idea to prevent the election of a Senator at all, so as to keep the reins in his own hands. That was the impression that was abroad in the land.

Q. How would that keep the reins in his hands? Will you explain that?—A. Well, because it was felt that in that way he would control the senatorial situation and dictate the patronage. There may not have been any sanity in the proposition, but that is what it was.

Q. It was not suggested that he would have the power to appoint a Senator, if the legislature had failed to elect one?—A. No.

Q. And it was not suggested that if the legislature failed to elect at the regular session that it would be more likely to elect at a called session, was it?—A. No; but it was the feeling in the house that the governor was assuming control and directing the legislature as to what it should do in the matter; assumed to exercise that power, not only to prevent Hopkins from being elected, but refusing himself to be a candidate and being elected, but preventing Lorimer from being elected, and preventing anybody from being elected. Now, that was the feeling.

Q. Did you share that feeling?—A. It seemed to me—it looked to me as if that was what he was doing.

Q. As a Democrat and from a Democratic standpoint did you think it would be more advantageous to the Democratic party to let the Republicans, who had a majority in the legislature, fail to elect and let the legislature adjourn without the election of a Senator or to elect a Republican?—A. I felt it would be more advantageous to the Democrats to pursue the course that was pursued.

Q. You thought it would be more advantageous for the Democrats or a portion of the Democrats to join with a portion of the Republicans and elect a Republican than not to elect anyone?—A. Yes.

Q. That was your judgment?—A. I thought so.

Q. Was that reached after a consultation with your political friends and associates?—A. Only as I have suggested to you. No caucus or anything.

Q. No caucus?—A. No caucus.

Q. After you had reached that conclusion, did you notify Mr. Shurtleff of your conclusion and what you were willing to do?—A. I notified Mr. Shurtleff that I was willing to try to elect Senator Lorimer, and that I was willing to try to influence, if you please, or get as many of my own followers to vote for him as I could.

Q. Was there any suggestion, Mr. Browne, made to you by Mr. Shurtleff or anyone else in the interest of Mr. Lorimer, that there was to be any advantage, any consideration, direct or indirect, either in money or anything of value or patronage that should come to you or any of your associates if you voted for Mr. Lorimer or for your entering the arrangement by which you would try to secure his election?—A. Absolutely no, Senator; and I was further—after Mr. Shurtleff spoke to me, or at the time he spoke to me upon the first occasion, he said to me, simply, that he was interested in Lorimer as a friend. They belonged to the same political clique or faction or following, and that he wanted—he did not want to see Hopkins elected, and he would like to see Mr. Lorimer elected. I suggested to him that his name had been mentioned during the session as a possible candidate; and he said. yes; but he didn't think he could be elected, and I assured him that I agreed with him, personally, that he could not.

Q. Were there any Republicans suggested to you as men upon whom the Democrats and Republicans might combine, other than Mr. Lorimer?—A. No; not during the entire session.

Q. Had other names been suggested or offered to the joint assembly, or presented to the joint assembly, and voted for?—A. Oh, yes; yes.

Q. But they hadn't agreed sufficiently for any man to be elected?—A. No Democrat had voted——

Q. No Democrat had voted for any Republican up to the time they voted for Mr. Lorimer?—A. No; no.

Q. Was there any proposition——A. Pardon me, Mr. Senator, I believe I am in error there. I believe that Mr. Shurtleff's name was proposed as a candidate early in the session, and he had a coterie of followers, a small coterie, never reaching beyond 30, I don't think, who voted for him, until along down toward the close of the battle or deadlock—I think that there were two or three or four friends of Shurtleff's on the Democratic side who gave him a complimentary vote occasionally, or two or three times; I think so, but I would not be positive.

Q. Were there any propositions made to you by Mr. Lorimer or anyone representing Mr. Lorimer that if the Democrats or a sufficient number of Democrats to secure his election would vote for him, that they should have a division of the patronage, the federal patronage of the State?—A. Nothing of the kind.

Q. Nothing suggested?—A. Nothing.

Q. Neither directly nor indirectly?—A. Neither directly nor indirectly.

Q. By Mr. Lorimer or anyone?—A. No; and not directly nor indirectly.

Q. Was there any such suggestion as that made by Governor Deneen, or anyone representing him?—A. I never talked with Governor Deneen but twice in my life, that I remember of, Senator, and at neither time—it was three times—at neither time was anything of that kind discussed, except, I think, it was the last, it was the last occasion, after the session closed, and after I had seen my members over the State, I talked with them, and I went to Governor Deneen on a personal mission for them, to see if my faction could not receive at least a division of the minority appointments in this State. Aside from that I never discussed the matter, or a matter of that kind with Governor Deneen directly or indirectly.

Q. What do you mean by minority appointments in the State? Do they allow Democrats up here to have any patronage at all in a Republican administration?

Judge HANECY. The statute provides for it.

Senator FRAZIER. In some instances——

Judge HANECY. No; in all.

The WITNESS. That depends on what Democrats they are, Senator; my crowd did not get any. My friend, Roger Sullivan, who had control of the other faction, was powerful enough to arrange those little matters.

Q. Was there a campaign committee formed by you, or your associates, after you notified Mr. Shurtleff that you would do what you were going to do, that you would do what you could to aid in Mr. Lorimer's election?—A. No; no campaign committee, aside from what I have stated to you, little gatherings in Mr. Shurtleff's and Mr. Lorimer's suite of rooms that would consist of Mr. Shurtleff, Mr. Lorimer, Mr. Shanahan, and frequently myself, and sometimes Mr. Chiperfield, B. M. Chiperfield, and Mr. Edward Smodjkel, but generally Mr. Shurtleff and Mr. Lorimer and Mr. Shanahan and Mr. Chiperfield and myself.

Q. You did meet every few nights, or every night, possibly, did you?—A. Sometimes.

Q. During the pendency of it?—A. Several times, several times in a night.

Q. To confer together?—A. Yes.

Q. Why did you insist to Mr. Shurtleff and Mr. Lorimer that no Democrat should vote for Mr. Lorimer until you were notified by them that there was a sufficient number of votes—a sufficient number of gentlemen who would vote for Lorimer to elect him?—A. Well, for the reasons I stated to Mr. Austrian this morning, and because, Senator, I felt, whether it was correct or not, that a movement of that kind, if successful, would not endanger or jeopardize a man's political success at home, whereas, if it was a failure it would. I may be wrong in that, however.

Q. So you insisted that no Democrat should vote for Mr. Lorimer until you were advised that there should be enough votes, outside of the Democrats, with them, to elect him?—A. Well, I insisted, and I made it a matter of honor, with both of them, that no roll call for Mr. Lorimer's election should be started, and that I would not consent to a single one of my followers voting for him until I became sure that there were enough with those to elect him.

Q. Were you notified by Mr. Lorimer or Mr. Shurtleff at any time preceding the 26th of May that they had a sufficient number, together with the 30 I believe you said you thought you could get, that you promised, to elect him?—A. Yes, sir.

Q. When were you notified of that?—A. Well, it was not exactly, Senator, a notification. As I told you, we met up in the rooms and those conferences or meetings were there, and while we thought we had enough on the 24th—we thought we did have enough on the 24th——

Q. Why didn't you vote on the 24th?—A. There was no session on the 24th, I recollect, until late in the afternoon. We thought we had enough—we were sure we had enough on the 25th.

Q. Why was not the vote taken on that day?—A. Because we wanted to make the assurance doubly sure, and if we could, to have two or three extra, for an extra big measure.

Q. When did you finally determine that you would call the ballot on Mr. Lorimer's election?—A. On Tuesday night, May 25.

Q. At that time they assured you they had enough, with the 30 that you thought you knew of, to elect him?—A. I did not take the assurance. I went over the list myself, and I had been investigating myself, independently, verifying it, so that I was perfectly satisfied myself at that time.

Q. Did you see and confer with Republicans who were supposed to be favorable to Lorimer at that time?—A. Yes; and with others.

Q. With other Democrats outside of your faction?—A. Other Republicans and other Democrats.

Q. You satisfied yourself?—A. Yes.

Q. On the night of the 25th?—A. I satisfied myself, not at that particular time, but it culminated then.

Q. Now, what did you do, if anything, to notify the men who belonged to your faction, whom you believed would vote for Mr. Lorimer, that the vote would be taken on the 26th?—A. Well, I can not say to you, Senator, just what course I pursued with every one of them. I know the message was carried in one way or another to each

one of them that the roll call would be put on the next day for his election, and that it was going to go through.

Q. You set in motion some machinery by which all of your friends whom you believed would vote for Mr. Lorimer—I believe you said 30—were notified that it would be called off on that day, so that all of them would be on hand, and it would be called off on that day, the 26th?—A. Well, all of them were on hand those days all of the time, Senator.

Q. You notified them that the ballot would be taken on that day?—A. Yes.

Q. Or had it done?—A. Yes.

Q. So that they might be present?—A. Yes.

Q. There is no question about it?—A. If anybody showed any inclination to be away, anybody upon either side, in those days his presence was secured very rapidly.

Q. In those conferences with Mr. Shurtleff and Mr. Lorimer was there ever at any time any suggestion made to you that you or your followers would receive any benefits directly or indirectly, any money, any patronage, or anything else for the activity that you were showing in securing Mr. Lorimer's election?—A. None, absolutely none, Mr. Senator; not any.

Q. Did anybody at any time ever place any money in your hands to be used for campaign purposes or otherwise, either before or after Mr. Lorimer's election, in consequence of that?—A. Not a penny.

Q. Did you handle any of that?—A. Not a nickel.

Q. Did anybody ever contribute anything to your defense in these suits as a result of that?—A. The question again, please.

Q. Read the question.

(Question read.)

A. Not a cent.

Q. These suits, or these prosecutions that you have been in——A. Not a cent as the result of anything like that.

Q. Has anybody ever contributed anything at all?—A. Oh, yes; yes.

Q. Your friends have contributed to your defense?—A. Yes. If they had not, Mr. Senator, I could not have been defended, Mr. Senator.

Q. Was your defense expensive?—A. My defense has been made very expensive, not only a white man's burden, but more than that.

Q. But nobody has ever given you any money, and you never handled any money, either for campaign purposes or otherwise, as a result of your aid in Senator Lorimer's election?—A. Not one dollar, nor have I received any favor of any kind by reason thereof, to my knowledge.

Q. Well, you would know if you did?—A. I think I would.

Q. Was it your judgment, Mr. Browne, that it was a better and wiser political movement to elect Mr. Lorimer, a Republican, by the aid of Democratic votes than to allow the session to terminate without the election of a Senator at all?—A. I thought so.

Q. And that was your deliberate judgment?—A. That was my judgment; I may have been in error, but that was my judgment.

Q. You were not induced to reach that judgment, were you, by any offer of any sort to you or any of your friends, in any form?—A. No,

Mr. Senator, not even with added political individual political success in view. I tried to see what I believed was for the best interests of the State and of my party. That is what I tried to see; I might have been in error in it.

Q. How did Mr. Lorimer stand personally with the Democrats in the legislature—I do not refer to his political alignments—but did he or not have personal friends in the legislature, on the Democratic side, who were primarily favorable to him, barring his political views?—A. Men that would have voted for him as soon as his name was mentioned as a candidate, independent of party, party leaders, or anybody else.

Q. Where were those men from; what section of the State?—A. I can name a few to you.

Q. I would be glad to have you do so.—A. Anton J. Cermak, now one of the aldermen of the city of Chicago and very prominent in Bohemian circles here, probably the most prominent Bohemian in town, and a life-long Democrat; Emanuel Abrahams, of the Ghetto district, on the west side; Joseph Geskovich, now dead; and I could go through the list and, I presume, recall others; but he had a great many warm, personal friends on his side.

Q. I don't quite hear you.—A. I say he had a number of warm, personal friends on the Democratic side.

Q. Had Mr. Lorimer taken any position, with respect to any political question or semipolitical questions, that appealed in any respect to the Democrats of the legislature, do you know, preceding his election?—A. Why, except the indefatigable work he did upon the waterway proposition, that won him many friends on both sides. But I attributed it more—if you will pardon me for this kind of talk—I attributed it more to his personality and the life he has lived in Chicago and his friendship with the masses.

Q. Do you think that there was any Republican, whose name was suggested to the legislature, who could have united the Democrats and the Republicans, except Mr. Lorimer, at that time?—A. No, sir; I do not. I think there were other Republicans whose names were suggested, notably Mr. Shurtleff, who could have polled a very respectable Democratic vote, but nothing like that that Mr. Lorimer got.

Q. Was there any effort made at any time by you or those associated with you on the Democratic side to secure the votes of the Republicans for any Democrat, except Mr. Stringer?—A. No, sir; no, sir—well you say "anybody else?" Well, now, I can not say that, to my knowledge, now. I certainly made no effort myself.

Q. You were willing for the Republicans to proselyte from the Democrats, but you were not willing for the Democrats to proselyte from the Republicans?—A. Not for all I know, except I may have given a complimentary vote to Edward Shurtleff; I did not desert the Democratic standard until the final day.

Q. Well, was there any effort made by you or any one of your associates in the legislature to induce any Republican members to agree upon any Democrat—to go over to the Democratic side—not for Mr. Stringer, but for any other man whose name might be suggested, in the State, as a Democrat?—A. No; because there was no man taken seriously; no man whose name was presented that either took it seriously himself or would permit anybody else to take it seriously.

They were all complimentary votes. Mr. Stringer did not take himself seriously, if I may be pardoned for saying so. He was holding a Deneen job at the time.

Q. What do you mean by holding a Deneen job?—A. He was holding the minority membership on the court of claims, an appointee of Governor Deneen.

Judge HANECY. At what salary?—A. I think two thousand a year, but I am not sure as to that.

Senator FRAZIER. Mr. Browne, at the time that you went to St. Louis on the 21st of June, at which time I believe you stated you met Mr. Link and Mr. Beckemeyer and Mr. Shephard and other gentlemen, members of the legislature, did you at that time have in your possession or did you distribute any money to any of those gentlemen for any purpose?—A. The only money I had, Mr. Senator, was what I thought I would have to have for my personal expenses, and that was not much.

Q. Did you pay any one of them any money at all for any purpose?—A. I certainly did not.

Q. Did you ever at any time pay anybody any money as a result of their having voted for Mr. Lorimer or to induce them to vote for Mr. Lorimer?—A. Not a nickel; not a nickel.

Senator BURROWS. Does any other member of the committee desire to ask questions? Judge, do you?

Judge HANECY. Mr. Browne, you said that Mr. Shurtleff talked with you about voting for Mr. William Lorimer for United States Senator, because he wanted to defeat the then Senator, Mr. Hopkins?—A. No; he didn't say because of that; that was mentioned. He did not want to see Senator Hopkins elected.

Q. Mr. Shurtleff was from Senator Hopkins's congressional district, wasn't he?—A. Well, now, you will have to stop and let me think about that. Yes.

Q. That is the district?—A. Yes; that is the "shoe-string" district.

Q. That is the district that Senator Hopkins did represent in Congress before he was elected United States Senator?—A. Yes, sir.

Q. Mr. Shurtleff and Mr. Hopkins were not friendly at all, were they?—A. On the contrary, they were very bitter toward each other.

Senator BURROWS. Who was that?—A. Mr. Shurtleff and Senator Hopkins.

Judge HANECY. They were very bitter toward each other, did you say?—A. Yes; that is, that was my information from what I heard from Mr. Shurtleff personally and what I knew generally.

Q. How long has it been since there was a Democratic majority in the joint session of the legislature of Illinois?—A. Not since the election of John M. Palmer.

Q. That was when? Thirty or forty years ago?—A. No—that must have been, I believe, around 1890 somewhere, was it not?

Q. John M. Palmer?—A. Yes.

Judge HANECY. Oh, no.

Senator GAMBLE. Mr. Palmer I think was in 1891.

Mr. AUSTRIAN. 1892.

Senator GAMBLE. There was a coincidence in his election and the election of United States Senator at that time in our State; that is why I recall it.

The WITNESS. It was right around 1890.

Judge HANECY. There was at the election that elected the members of the forty-sixth general assembly, there was a governor of Illinois and a President of the United States elected, wasn't there? Wasn't that at the presidential election?—A. Yes.

Q. And there was a difference of a hundred—nearly two hundred thousand, 156,000 votes between the presidential vote and the governorial vote, wasn't there?—A. Well, we think there was a good deal more than that, but you would not let us open the ballots.

Q. When you say "we" you mean the Democrats? Still, there was a Republican legislature elected; that is right, is it not?—A. That is correct.

Q. Mr. Adlai T. Stevenson was the Democratic nominee for governor at that election?—A. Yes, sir.

Q. And he was the former Vice-President of the United States?—A. Yes, sir.

Q. He has a son, a young man, or man in middle life?—A. Two of them.

Q. How old?—A. Oh, I think James Stevenson——

Senator BURROWS. How is that material?

Judge HANECY. I propose to show, Mr. Chairman—Mr. Senator Frazier, if I may be permitted to call the members by name, wanted to know if any other Democrats had taken any part in advising or helping to elect William Lorimer United States Senator, and I propose to show that the former Democratic Vice-President's son did take that active part.

Senator FRAZIER. What I asked the witness was whether he had advised with other Democratic statesmen in this State between the time the matter was suggested to him by Mr. Shurtleff and the time he made up his mind.

The WITNESS. That is the way I understood the question.

Judge HANECY. Was the purpose here to know whether it was a movement on the part of Mr. Browne and his friends——

Senator FRAZIER. The purpose of it was to find out the facts.

Judge HANECY. That is what I wanted to ask this question for, if I may be permitted so to do.

Senator BURROWS. Put the question

(Question read: "Q. How old?")

A. I was just thinking. I told you he had two boys. There were two Stevensons, Adlai Stevenson and a brother, I think now. I am not sure whether those boys that I know are the sons of Adlai Stevenson or not; if they are, James Stevenson, the oldest, must be a little older than I am.

Judge HANECY. And we would not guess how old you are.—A. I am 44.

Senator BURROWS. I think this question——

Judge HANECY. All I want is a general inquiry.

Senator BURROWS. The ages of the entire ticket I do not think is necessary just at this time.

Judge HANECY. Well, they are men, grown, over age?—A. Yes.

Q. Did they show any activity or take any active part in the election of a Republican for United States Senator?—A. Well, I might have known it from time to time at the time; I do not recall it now.

There were so many people that were taking an interest in it down there, Judge Hanecy, both Republicans and Democrats, that to enumerate their names would take me probably half the afternoon. The State's attorney of this county was very actively engaged at that time in the election of Senator Lorimer, for one.

Q. He is a Republican?—A. Yes, sir.

Judge HANECY. We do not claim him as a Democrat.

Senator BURROWS. Anything further, Judge?

Judge HANECY. That is all, Mr. Chairman.

Senator PAYNTER. Did any Republican members vote for Mr. Stringer, the Democratic candidate?—A. I don't think so.

Q. Did they vote for any other Democrat during the session of the legislature?—A. No; I don't think so.

Senator PAYNTER. That is all.

Mr. AUSTRIAN. Mr. Browne——

Judge HANECY. May I ask one more question. I do not think the record shows it.

Q. What was the majority, the Republican majority, in the joint session?—A. I can not tell you that.

Q. About?—A. I can not tell you how many Democrats there were in the Senate. I think there were only 13 Democrats in the senate and there were 51 members; and 64 Democrats in the house and 153; now, 64 and 13 would be 77, and 77 from 204.

Judge HANECY. That is all.

Senator PAYNTER. Mr. Browne, I believe I will ask you the further question: Did Republicans, any one or any number of them offer to vote for any Democrat for United States Senator?—A. No, no.

Q. Did they hold out any hope to you that they would do so if a Democrat could be elected?—A. No; because there was no Democrat who was making any real effort to be elected, Senator. I will say to you now that if there had been any chance to elect a Democrat—any chance, I say, and that is just what I mean—that I not only would not have voted for Senator Lorimer, but I would have done my best to keep any other Democrat from voting for him.

Senator PAYNTER. That is all I desired to ask.

Judge HANECY. That is all.

Senator HEYBURN. Mr. Browne, you were about the third Democrat on roll call in the house, weren't you?—A. Let me see, I can tell you in just a moment. [Witness examines memorandum book.] I am the eighth.

Q. As minority leader, I suppose your vote would be taken as a criterion on strictly party questions, to those who should follow you, as to party policy in voting?—A. Well, in this transaction, I might say the bell wether, so to speak, was Manny Abrahams—Emanual Abraham. He is the first on the list, you will see, the first Democrat; and he was a very strong and staunch adherent of mine, and, whether right or wrong, he believed what I did was right, and whenever they saw Manny Abrahams—those that wanted to know how I was going to vote—saw Manny Abrahams vote one way, that settled it.

Q. And he voted for Mr. Lorimer?—A. Yes, sir.

Q. I suppose you had an understanding with Mr. Abrahams that he was going to vote for Mr. Lorimer?—A. Oh, yes; with all of them—with all of them.

Q. And that was the criterion?—A. Well, it was understood before the roll was called at all that morning by them all, those of my crowd.

Senator HEYBURN. That is all.

Judge HANECY. Abrahams would have voted for Senator Lorimer over your protest, wouldn't he?—A. Yes, sir.

Q. And without regard to your wishes?—A. I think he would have done that, and that would have been a good deal for him because he and I were pretty close friends.

Q. The Tippet Democrats in the house did not follow Abrahams's vote or your vote, did they?—A. No; they tried to go the other way generally.

Q. And they did not follow his vote or advice, or your vote or advice in any respect, did they?—A. Oh, no, no.

Judge HANECY. That is all.

Mr. AUSTRIAN. Mr. Abrahams is the man who runs the saloon in Chicago is he not?—A. I told you that.

Q. The same Abrahams?—A. The same Abrahams.

Q. Abrahams is the man whom Mr. Beckemeyer went to see when he came up here the first time, isn't he?—A. I am so informed.

Q. Mr. Browne, I understood you to say that no Republican could have been elected except Mr. Lorimer. Did I understand you correctly—to the United States Senate?—A. I didn't say that.

Q. Didn't you say in your opinion no Republican could have been elected?—A. No; I didn't say that.

Q. Well, in your opinion could any Republican—— —A. I did say that none of the Republicans whose names were mentioned could, in my opinion, have amalgamated the Democratic and Republican votes—that was in answer to Senator Frazier—sufficiently to elect. I did say earlier in my examination, Mr. Austrian, that the Democrats had gotten to a condition by that time, where they would have voted for any good, conscientious, honest, capable, and popular Republican.

Q. Any more qualifications required?—A. I think I put those all in, in the first place.

Q. And there was only one such man, was there?—A. Why, I am not a modern Diogenes at all, but I believe that Mr. Lorimer is that kind of a man or I would not have voted for him, I presume——

Q. Is there any other man possessing the qualifications?—A. I presume the State of Illinois has lots of them.

Q. Was there any other man whose name was prominently mentioned as a possible candidate or as a probable candidate for United States Senator on the Republican side, who could have been elected?—A. None of them seemed popular enough to develop any strength.

Q. Could not Mr. Deneen have been elected?—A. Well, I don't know, Mr. Austrian. I am inclined to think that he could at that time, to get him out of the way.

Q. Well, whatever the purpose was, in your opinion, he could have been elected; is that right?—A. Well, I don't know.

Q. Well, that was Mr. Lorimer's opinion was it not?—A. I don't know what his opinion was. You are asking for mine; I told you I am inclined to think that perhaps Mr. Deneen could have been.

Q. And you never heard Mr. Lorimer express the opinion, his opinion, that Mr. Deneen could have been elected?—A. No; I don't

think that I did. I did know, however, that Mr. Lorimer was at one time endeavoring to persuade Governor Deneen to be a candidate, and I had understood that Governor Deneen had consented to be a candidate, and there was some discussion as to whether he could get any Democratic votes.

Q. You would not have been with him, would you?—A. No; Mr. Austrian, I do not think I would.

Q. None of your Democratic followers, with your consent?—A. Well, I don't know. I did not feel very kindly toward Governor Deneen.

Q. Well I say, none of your Democratic followers, with your consent?—A. Well, I say, I did not feel very kindly toward him, but if his election as Senator would have eliminated him, I don't know. I doubt if I could have voted for him myself but I am afraid I would not have tried to stop anybody else.

Q. Mr. Browne, now I forgot to ask you, at least I think I forgot it. At this meeting in St. Louis when you were present Charles Luke was there, wasn't he?—A. Yes, sir.

Q. Now, you have referred to Mr. Stringer as being simply a sort of a will-of-the-wisp candidate.—A. No; I have not referred to him in any such way. He is a man for whom I have the highest personal regard; he is a man of ability; he is one of the most able men on the Democratic side in the State of Illinois.

Q. Then you did not mean to say that simply because he holds a minority appointment on the Court of Claims, and by minority appointment that is an appointment given to the minority party, is that correct?—A. I don't know what your question is.

Q. What do you mean by a minority appointment?—A. I mean just what I say.

Q. We are not politicians, some of us?—A. That does not require any political intelligence.

Q. Well, what is a minority appointment?—A. A Democratic appointment when a Republican is in power or a Republican when the Democrats are in power.

Q. The mere fact that a man holds a minority appointment does not mean that he is affiliated with the party in power at all, does it?—A. No, sir; but I have always noticed this thing to be true that the minority members upon all state boards have a peculiar inclination to consult the wishes of the creator of those boards.

Q. You tried to get minority appointments for your followers?—A. Yes.

Q. Including yourself?—A. Not for myself, no.

Q. Then, for your followers, you didn't think that was a reflection on them in any way?—A. No; I did not think it was a reflection; I thought if there were minority appointments to be had that our crowd and my crowd was as much entitled to them as the other fellows.

Q. Now, Mr. Browne, on the 26th of May, 1909, when Mr. Lorimer was elected United States Senator, there were only three candidates voted for, weren't there?—A. I think so.

Q. And Mr. Stringer got all the Democrat votes that had not gone to Mr. Lorimer, didn't he?—A. I think so.

Q. And Mr. Hopkins got all the Republican votes that had not gone to Mr. Lorimer, didn't he?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. Mr.——

The WITNESS. I want to say, in connection with this question that was asked me, I do not want to go away leaving any impression that I am trying to say anything derogatory of Lawrence B. Stringer. He is a personal friend of mine and I hold him in the highest estimation, but I simply say—and it is not derogatory—I simply say that he did not take himself seriously as a candidate for United States Senator; he did not act that way, and his friends did not act that way. He had no hope or expectation of being elected and knew that he could not be elected. And I do feel—I do feel, and think I am warranted in feeling—that he endeavored to prevent the Democratic votes from going to Senator Lorimer, so that Mr. Deneen would control the situation senatorially.

Mr. AUSTRIAN. I forgot to ask you one question, Mr. Browne. There were two roll calls on the joint session that day, weren't there?—A. What do you mean by two roll calls?

Q. Well, first for a quorum and then upon the ballot for United States Senator?—A. There always is.

Q. I am asking you that day whether or not there were two roll calls?—A. Yes, sir.

Q. On the first roll call of the joint session, did you make a speech?—A. On the first roll call?

Q. Yes.—A. No.

Q. Did you make a speech before the balloting began?—A. No.

Q. When did you make a speech with reference to the beginning of the ballot for United States Senator?—A. After the senate roll had been called. You must understand that the senate is called first by the president of the senate—he is the Lieutenant-Governor—in this State. Then the roll call of the house is had immediately upon the conclusion of the roll call of the senate, and as Mr. Shurtleff took the gavel to order, and did order, the roll call of the house to proceed through the clerk, I arose at my place and got recognition from the chair and made the speech you referred to, or the talk.

Q. Before any vote had been cast in the house?—A. Before any vote had been cast.

Q. Just in the house?—A. Before any votes of the house members had been cast on the occasion, on the question of Senator.

Q. That is right. That is all.

Senator JOHNSTON. Did you announce in the speech that you intended to vote for Senator Lorimer?—A. I did, Senator.

Judge HANECY. One of the honorable senators asked you if there was any political or semipolitical matter before the people of Illinois that did or might induce—I might not be using the language exactly—a vote for Senator Lorimer. Did William Lorimer take an active part in the deep-waterway matter prior to his candidacy for United States Senator?—A. Oh, yes; he has been in this State he has been father, mother, and wet nurse of that proposition. He has been the whole thing on the deep-waterway proposition, and he has endeared himself to a great many people, irrespective of politics that want to see that waterway go through.

Q. He has endeared himself to Democrats as well as Republicans down in the State, as well as in the northern part of the State?—A. Yes, everywhere.

Q. And that campaign was made by Mr. Lorimer when?—A. Oh, t has been made for years.

Q. Well, when was it made with reference to his candidacy or the ime he was elected United States Senator?—A. All of it before.

Q. Right down to that time?—A. Yes, and still, as I understand.

Senator BURROWS. Is that all?

Judge HANECY. That is all.

Senator BURROWS. Have you any other witnesses?

Judge HANECY. Yes, Mr. Chairman, Mr. Simmons.

Senator BURROWS. Mr. Simmons will be called.

Judge HANECY. Mr. Austrian, may I trouble you for that exhibit?

Mr. AUSTRIAN. Yes. [Exhibit handed to Judge Hanecy.]

CHARLES H. SIMMONS, a witness called herein, having been first luly sworn by Senator Burrows and examined by Judge Hanecy, estified as follows:

Q. Mr. Simmons, what is your full name?—A. Charles H. Simmons.

Q. What is your business, occupation, or profession?—A. Engineer and contractor; heating engineer and contractor.

Q. Here in Chicago?—A. Chicago.

Q. How long have you lived in Chicago?—A. About thirty years.

Q. The last thirty years?—A. Yes, sir.

Q. Won't you talk and not motion with your head, Mr. Simmons?—A. The last thirty years.

Q. Do you know Lee O'Neil Browne?—A. I do.

Q. Do you know Charles A. White, by sight?—A. I have seen him.

Q. Were you in the Briggs House in Chicago on the 17th of June, 1909?—A. I was.

Q. Did you hear a conversation or see anything that occurred between Lee O'Neil Browne and Charles A. White?—A. I did.

Q. What time of day was it, about?—A. Between 12 and half past, at noon.

Q. Where did it occur?—A. In the office, or rotunda, of the Briggs House.

Q. Out in the public rotunda?—A. Yes sir; out in the public rotunda.

Q. Now, what did you see there?—A. I saw Mr. Browne and Mr. White step aside from some other gentlemen and heard the following conversation: "I am going home," Mr. White said——

Q. Who said that?—A. Mr. White said, "I am going home and I am broke. Can you let me have a little money?" Mr. Browne said, "I haven't got much. How much do you want?" I did not hear the answer, but he took out some money out of his pocket and handed him a few $5 bills, about $25. Mr. White says "Good-bye," and went out. Mr. Browne returned to the other gentleman and was around there for a few minutes afterwards.

Q. What were you doing there, Mr. Simmons?—A. I went there to see a gentleman that I supposed was at the Briggs House by the name of Walsh. On the following day I had a meeting of the board of directors of a new company that I was forming, and I had understood that this Mr. Walsh had been successful in his operations

in the West and wanted him for a director, and went there for that purpose.

Q. Had you any acquaintance with either Lee O'Neil Browne or Charles A. White previous to that time; I mean, any personal acquaintance with them?—A. No, sir; I had not.

Q. You testified as a witness in the Browne trial in the criminal court of this county, did you?—A. I did.

Judge HANECY. That is all.

Senator BURROWS. Have you any examination?

Mr. AUSTRIAN. Just one moment. Yes.

Cross-examination by Mr. AUSTRIAN:

Q. Mr. Simmons, you were not indicted by any special grand jury in Cook County, were you?—A. Pardon.

Mr. AUSTRIAN. Read the question.

(Question read.)

A. I was not.

Q. Now, Mr. Simmons, will you tell us what your business is, all of it?—A. Heating engineer and contractor.

Q. Have you any side issues, any other business, any other than the one you have indicated?—A. I have been trying to establish a new business in the last few years, manufacturing business.

Q. Have you been engaged in the horse business?—A. No, sir; not in the horse business; no, sir.

Q. Well, in race track, the running of race horses, or betting on them?—A. I have bet on race horses; yes.

Q. Have you ever been engaged in that business?—A. I do not understand really what you mean by that.

Q. What has been your entire connection with the race-track business or race-horse business, if any?—A. I have never owned any race horses.

Q. No; well, tell us what connection you have ever had.—A. I have bet a little money once in a while on race horses.

Q. And you have been engaged in other transactions involving the running of race horses on race tracks, haven't you?—A. No; not particularly.

Q. Weren't you a partner of Mr. Farley?—A. No, sir.

Q. Or interested in the games that he was engaged in around Chicago eight years ago?—A. I was paid by Mr. Farley to look after his interests here when you were on the other side of a conspiracy similar to this one.

Q. Farley was the man who was indicted in Detroit, Mich.; who ran ringers on the Detroit track, wasn't he?—A. He was.

Q. And he came down here, with your assistance and cooperation, and tried to close up the race tracks of Chicago, didn't he, and made raids and caused raids to be made on the race tracks of Chicago, didn't he?—A. He did.

Q. And I appeared for the race tracks and prevented you and Farley from closing them, didn't I?—A. You did not prevent me.

Q. And you never did close them?—A. I didn't have anything to do with closing them.

Q. Didn't you, since that time, engage in the same occupation with Farley of running ringers on race tracks?—A. I never ran a ringer, and I never was with Farley on a race track.

Q. Didn't you, within the last four months, endeavor to put over some kind of a job at the race track at Jacksonville, Fla.?—A. I never have been there in my life.

Q. It is not necessary to be there to have those operations, is it?—A. And I haven't done anything with any race horses since 1903.

Q. That was your last, was it?—A. That is my last.

Q. Mr. Simmons, in the year, 1909, you did not know Mr. Browne, or White, did you?—A. No, sir; I did not.

Q. You had never seen either one of them to know them, had you?—A. Not to know them personally; no, sir.

Q. Or to know them by reputation?—A. No.

Q. Either Browne or White, and by Browne, I mean Lee O'Neil Browne, and by White, I mean Charles A. White. Is that correct?—A. That is correct.

Q. Now, some day in May, or June rather, 1909, you got a mysterious call to come to the Briggs House, did you?—A. I got a call to go to the Briggs House.

Q. You did not know who from?—A. Not exactly; no.

Q. And you went down to the Briggs House—A. I did.

Q. Did you go up to the desk?—A. I did.

Q. Did you meet the man whom you said called you, or from whom the call purported to come, for you to come to the Briggs House?—A. I did.

Q. When?—A. About three months afterwards.

Q. But he never showed up at the Briggs House, so far as you know, prior to that day?—A. No; I don't know that he did.

Q. Now, what was your man's name?—A. That man's name was Walsh.

Q. That was the same man that you went to see on this date in June?—A. Exactly.

Q. How do you fix the time that it was the 17th of June?—A. The following day, on the 18th, was the day we had our first record meeting of the company.

Q. Now, Mr. Browne, will you just show this committee what occurred when you came in the rotunda of the Briggs House between Browne and White?—A. I can not show them because I can not imitate both Browne and White and myself, but I can tell it.

Q. You just show what Browne did with reference to the money. He did something, didn't he?—A. He did; he took the money out of his pocket.

Q. Show us how he took the money out of his pocket.—A. Have you got a roll of bills with you?

Q. Yes; always carry them.—A. We may as well act it all out. I came into the Briggs House; of course, I was going north, and as I came in these two gentlemen, whom I did not know at that time——

Senator Frazier. Had you ever seen either one of them before?—A. Not as I know of. They stepped aside and had the conversation.

Mr. Austrian. What conversation? Go on, give us the conversation.—A. "I am going home," White said to Browne, "and I am broke and will you let me have a little money?" He says, "Why, I haven't got much. How much do you want?" Well, they were coming along kind of paying attention to their own business, and I had to step aside a little to get out of their way. They weren't paying attention to me, and as I stepped around the other side I looked

back and I saw him pull out money and hand him what I should think was $25; pulled out of his pocket in this manner, Browne's pocket.

Q. You testified $25 or $30 in $5 bills?—A. Something like that.

Q. You testified $25 or $30 in $5 bills?—A. Possibly.

Q. Was that the fact?—A. Possibly.

Q. What did you testify?—A. I think there was about $25 or $30.

Q. In $5 bills?—A. He had $5 bills. I don't know as they were all $5 bills.

Q. You saw $5 bills there?—A. I saw some $5 bills in that.

Q. This conversation, you were not interested in it?—A. Not at all.

Q. And you never had seen either one of them before?—A. No.

Q. And that happened on the 17th of June, 1909?—A. Yes, sir.

Q. And you never repeated it to anyone until after the trial of Lee O'Neil Browne in 1910?—A. You are a little speedy.

Q. Or a little before or rather after the publication?—A. The first time that Lee O'Neil Browne's picture was published in the paper—that is, I saw it published.

Q. That was in May, was it not?—A. I don't know when it was.

Q. Was it not after the White exposure?—A. Yes, sir.

Q. That was in May, 1910.—A. I saw that picture and I said to a man in my office, "I must have seen somebody of that appearance. I know that man and I would know him anywhere," and showed him Browne's picture. Well, then, after the trial, when the jury was out on that trial, I had spoken to a number about it because I had seen some of the transaction in the Briggs House. Of course, I did not know what part it was; I didn't know what relation it had to any of it because I knew Browne; he had striking characteristics that anyone would know that had any gift of picking faces after they had seen it. Then I spoke to Mr. Newman, a lawyer, and had quite a laugh over it. I told Mr. Ayers, a friend of mine. I knew they were not criminal lawyers, and I didn't want or care to tell anybody that would take it to O'Neil Browne or to court, because I did not hanker about being a witness in any court and spend my time for nothing, and did not want to be there under any circumstances. But Mr. Ayers, it appears, was a friend or acquaintance of Mr. Browne. He telephoned for me to come down there one day. I went down to his offce and Mr. Browne came in. He asked me if I knew him. I said I did; I knew him from his picture and I had seen him at the Briggs House.

Q. Where did you ever hear the expression that you spoke of, that some one was engaged in a conspiracy?—A. Well, but that was a conspiracy that you spoke of; you brought up this race track matter. You know well enough the Western Jockey Club tried to railroad him through——

Q. Was trying to what?—A. To railroad that man Farley because he was too smart and beat them out of their money.

Q. Where did you hear the expression that some one in this proceeding was engaged in a conspiracy?—A. Oh, it is general talk, you hear it everywhere.

Q. On the street corners?—A. Anywhere you go.

Q. Everywhere you go?—A. Nearly everywhere, yes.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator FRAZIER. I believe you stated that you had never seen Mr. Browne or Mr. White at any time prior to this occasion which you have detailed?—A. That is right.

Q. When did you next see White?—A. I saw White on the witness stand on the North Side.

Q. On what occasion?—A. At the trial of O'Neil Browne, the second trial.

Q. That was in May or June of this year?—A. Of this year.

Mr. AUSTRIAN. In August.

Senator FRAZIER. In August of this year. Was that the first time you had seen him from that day when you saw him and Browne?—A. I had seen his picture in the paper, but his picture did not come out as clear and show characteristics you would know it as well as the other man. So, after Ayers asked me to go in they asked me to go there and see if it was the same man, and I did so.

Q. And you identified him as being the same man you had seen there with Browne?—A. Yes, sir.

Q. Was Mr. Browne at the time you came in and saw he and White stepping off, was he talking to some other gentlemen?—A. There were some other gentlemen in the rotunda there, yes. I presume that they had been talking because they seemed to step away from a number, three or four or five men there.

Q. And they were close enough to have seen what occurred just as well as you?—A. I should think so.

Senator FRAZIER. That is all.

Senator BURROWS. Judge?

Judge HANECY. That is all.

Mr. AUSTRIAN. Just one second. When you saw Browne and White it was about fourteen or fifteen months after this occurrence, was it not?—A. Well, it was; yes.

Mr. AUSTRIAN. That is all.

Judge HANECY. That is all.

Senator BURROWS. You have no further use for this witness?

Judge HANECY. No, Mr. Chairman.

Senator BURROWS. You may be excused from further attendance. What next?

Judge HANECY. I think that is all I have here, Mr. Chairman. I do not know whether I will have any others or not. That is all I have here.

Senator BURROWS. Mr. Austrian, have you anyone?

Mr. AUSTRIAN. No, sir; I have not. I understood that Mr. Holtslaw will be here in the morning.

Senator JOHNSTON. How is that?

Mr. AUSTRIAN. I understood that Mr. Holtslaw will be here in the morning.

Senator BURROWS. Mr. Austrian, you do not want to call any witness at this time?

Mr. AUSTRIAN. No, sir.

Senator BURROWS. Mr. Holstlaw will be here in the morning at 9 o'clock. Will Mr. English be here to-morrow?

Mr. AUSTRIAN. He is here now.

Senator BURROWS. But you do not want to put him on at this time?

Mr. AUSTRIAN. No; there is no necessity for it at this time.

Senator BURROWS. Mr. Holstlaw will be here in the morning and Mr. English is here. The committee would be very glad if some one would advise us where Mr. Wilson is.

Mr. AUSTRIAN. I would like to have a subpœna for J. W. Casey, 101 Washington street, who is his business partner, and that is the way, in my judgment, to find out where Mr. Wilson is.

Senator FRAZIER. What is his name?

Mr. AUSTRIAN. J. W. Casey, 101 Washington street.

Senator GAMBLE. Why couldn't we examine Mr. English; is there any particular reason?

Mr. AUSTRIAN. No; there is no reason, but there is nothing he can testify that would throw light on this controversy at this time; nothing at all, absolutely nothing.

Senator GAMBLE. You are holding him expecting that other evidence will be produced?

Mr. AUSTRIAN. Yes; that is all.

Senator BURROWS. This memorandum has been handed me in regard to Mr. Wilson, from the sergeant-at-arms. On the evening of the 29th of September, subpœna issued and was handed to the sergeant-at-arms with direction to immediately proceed to make service thereof. After diligent search for information of Wilson's whereabouts it was concluded that further effort to locate him in the city of Chicago would be useless and that he would have to be sought elsewhere. Then steps were taken to ascertain if inquiry from members of his family, his business associates, his former attorney, the postal authorities, and Mr. Austrian and his associates would develop any information of his business trips in the West. It is reported that Wilson, engaged in the real estate business with James W. Casey, at room 308. 101 Washington street, Chicago, is now, and has been for some weeks, traveling in the West, in connection with the sale of lands; that he has not been heard from for more than ten days; that it is not known when he will return to Chicago; that he has not communicated with his parents in this city nor with his business partner. The State has not, since August 2, 1910, when subpœna was issued for his appearance, been able to get any trace of his whereabouts. His attorney at that time represented to the court that Wilson was in a sanitarium; his mother now states that he is not at this time in a sanitarium. Casey, his business associate, states that he thinks that Wilson will be in Chicago in a few days. His parents on several occasions have stated that they do not know when he will return. A post-office inspector is trying to obtain tracings of the addresses of letters received by Casey and by Mr. and Mrs. Wilson in an effort to learn in what section of the country Wilson is now traveling or located. He has not been seen around Democratic committee headquarters in Chicago for several weeks. As stated in the accompanying memoranda reports from deputies William H. Griffith and George J. Griffith, in several interviews with Wilson's parents and with Casey and with Forrest, his former attorney, it has been impossible to procure any useful information as to his present whereabouts.

Six subpœnas, by direction of the committee, were given to Mr. Austrian upon his request and representation that his men would assist in locating Mr. Wilson. No report has been made on these.

It is evident that to locate Mr. Wilson and serve the subpœna on him the plan to discover his present whereabouts in the West must

be carried out. By placing in the hands of agents of the Post-Office Department and of the Department of Justice the additional original subpœnas signed by the chairman it may be possible to serve Wilson within a week or ten days.

Senator GAMBLE. I think it would be well to have his business partner subpœnaed here.

Senator BURROWS. That subpœna will then be issued for Mr. Casey.

Senator GAMBLE. How old a man, Mr. Austrian, is Mr. Wilson?

Mr. AUSTRIAN. Mr. Wilson, I should say, was 42 or 43 years old.

Judge HANECY. I don't know; I never saw him. I never saw him to know him more than two or three times.

Senator GAMBLE. How old are his parents?

Judge HANECY. I don't know.

Senator BURROWS. The committee will have a subpœna issued for Mr. Casey to appear here to-morrow morning. Some of the members of the committee desire the presence of Speaker Shurtleff. He has been communicated with and advises the committee that he will be here to-morrow morning at 10 o'clock. He is now in the city. Judge, have you probably any other witnesses to-morrow?

Judge HANECY. Well, I may have, Mr. Chairman, but I have not their names now and I can not give the committee any information on them.

Senator BURROWS. Will you try and be ready with them, if you have any?

Judge HANECY. Yes, Mr. Chairman.

Senator BURROWS. If you can the committee will be glad to have you do so that we may advance this matter as rapidly as possible. The committee will be glad to close this matter, if possible, to-morrow.

The committee will adjourn until 10 o'clock to-morrow.

SATURDAY, OCTOBER 8, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

At 10 o'clock a. m. the committee met pursuant to adjournment.

Whereupon the following members of the subcommittee were present: Hon. J. C. Burrows, chairman, Hon. Robert J. Gamble, Hon. W. B. Heyburn, Hon. Thomas H. Paynter, Hon. Joseph F. Johnston, and Hon. James B. Frazier.

Senator BURROWS. Call Mr. Robert J. Wilson.

Robert J. Wilson, called as a witness herein, having been first duly sworn by Senator Burrows, testified as follows:

Senator BURROWS. Mr. Wilson, where do you reside?—A. 4025 Perry street, on the North Side.

Q. Do you know Robert E. Wilson?—A. Yes, sir.

Q. What relation is he to you?—A. He is my son.

Q. Where does he live?—A. He lives at the same number.

Q. Can you tell the committee where he is now?—A. I can not.

Q. When did you last see him?—A. I seen him on the Saturday after the primaries, that would be, I think, the 17th—Saturday after the primary election.

Q. Saturday after the primary election?—A. Yes.

Senator GAMBLE. That will be the 17th of September?—A. September.

Senator BURROWS. Saturday after the 15th—the primaries were on the 15th.—A. After the primary; I met him about 12 o'clock.

Q. Have you seen him since?—A. I have never seen him since.

Q. What is his business?—A. Well, he is in the real estate business.

Q. With whom, if anybody?—A. Well, I don't know whether he is a full partner or not, but he is in—J. W. Casey and him is together. He used to be at 66 Rush street, and they moved to Washington street some time ago.

Q. And you have not seen him since the time you mentioned?—A. I have not seen him nor heard from him since the 17th of September.

Q. You have received no word from him?—A. I have not heard anything from him.

Q. Was he in the sanitarium at one time at Milwaukee?—A. He was.

Q. He was?—A. Well, I don't know whether he was in the sanitarium, but he was under a doctor's treatment there for quite a while for his eyes.

Q. What was the trouble?—A. His eyes. When I last seen him his eyes were in very bad shape.

Q. How old is he?—A. Forty, I think.

Senator BURROWS. I have no further questions.

Senator GAMBLE. Have you seen any telegram from him?—A. I never did. I have not heard anything whatever from him since the 17th of September; not a word.

Q. Do you know, or has anyone else made any suggestions to you, as to his whereabouts, or having heard from him?—A. No. They have been talking over it, time and again, expecting—I have been expecting him.

Q. Do you know how he left the city, if he did, on the 17th of September?—A. I don't; I don't.

Q. Do you know whether he left the city?—A. I did not.

Q. Did he make any statement to you as to where he was going?—A. He did not. He just—I met him at Irving Park and Perry street around 12 o'clock and nodded to him, bowed, and he took a street car and went east on the Irving Park street car.

Q. Does he live at your home?—A. He does.

Q. He is an unmarried man, is he?—A. He is an unmarried man.

Senator JOHNSTON. What was the condition of his health when you last saw him?—A. Well, it was not good at all; the eyes have been bothering him very much for—oh, for quite a while since this—more since July and August, I think. He has been treating the eyes in June and July and August.

Senator FRAZIER. Has he any business interests in other States that you know of that would call him there?—A. Well, none that I know of particularly; but he has friends, and frequently he has left the city, sometimes on business, and been gone for a little while.

Q. Has any mail come to him?—A. No, sir.

Q. Since he left?—A. I don't know positively about it, because I am not at home from 6 in the morning to half-past 5 or 6 o'clock in the evening.

Q. Has any of your family received any letter or communication from him?—A. No; we have been waiting and watching, expecting a letter from him, but none has come.

Mr. AUSTRIAN. It was not infrequent for Mr. Wilson to make trips of this kind without letting you or your wife know, was it?—A. I knew very little of him for many years. He goes and comes, and I go and come.

Q. He lived at your home when he was in Chicago, and spent his nights there most of the time, didn't he?—A. Well, I don't know about that, because he comes in, he has a room there, and he comes in, and he can go into that room without me knowing it.

Q. You talk to your son, don't you?—A. Sure.

Q. And you are on friendly relations?—A. Yes, sir.

Q. Have you reported his absence to the police?—A. To the police of Chicago?

Q. Yes.—A. Not at all.

Q. You are not disturbed about it?—A. Well, not—I have not been disturbed; I was very anxious lately, because I thought he would be home some time last week or this week, I mean. I thought positively that he would be home this week.

Q. What made you think that he would be home this week?—A. Because the talking was going on, from one to another, that I expected him. I expected him a day or two after he had left, as far as expectation was concerned.

Q. From what did that expectation arise? Was it from some discussion between you and Wilson or you and Mrs. Wilson or what?—A. Something like that.

Q. Whom did you talk to about when he would be back?—A. I talked to his mother.

Q. What did his mother say?—A. She said she didn't know.

Q. If she told you she did not know, then what led you to believe he would be back inside of ten days?—A. Because he was in the habit of coming; there was one time he was gone longer than this, but we heard from him.

Mr. AUSTRIAN. That is all.

Judge HANECY. How long was your son in the sanitarium in Milwaukee or Wisconsin some place?—A. Well, he was gone, I should judge, between two and three weeks.

Q. Up to what time; that is, when was it that he left the sanitarium, that you know of?—A. That I could not positively say.

Q. Well, when was it, with reference to the primary?—A. Oh, it was two or three weeks before the primary—a couple of weeks.

Q. That is, he was back here two or three weeks before the primary?—A. Well——

Q. Two or three weeks before the 15th of September?—A. I would not be positive of that, either. I think, if I remember rightly, maybe it is two weeks before the primary.

Q. That is two weeks before?—A. I would not be positive about that to a day. It was something like two weeks, I think, before the primary election.

Q. But before the 15th of September, you mean?—A. Yes.

Q. The primary was the 15th of September?—A. Yes. I have not kept any particular track of thinking about it.

Q. What was he in the sanitarium for, if anything, besides his eyes?—A. The eyes.
Q. Were they operated on?—A. That I don't know.
Q. You don't know?—A. No.
Judge HANECY. That is all.
Senator BURROWS. Call Mr. James W. Casey.

JAMES W. CASEY, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Mr. Austrian, and testified as follows:

Senator BURROWS. Mr. Austrian, I believe you asked for this witness.
Mr. AUSTRIAN. Yes.
Q. What is your full name, please?—A. James W. Casey.
Q. What is your business?—A. Real estate.
Q. Where is your place of business?—A. 101 Washington street.
Q. Do you know Robert E. Wilson?—A. Yes, sir.
Q. How long have you known him?—A. Twenty-one years.
Q. Is he engaged in any business with you?—A. He works some with me. He puts over some deals through my office.
Q. His office is with your office, is it?—A. Yes, sir.
Q. And where is your office?—A. 101 Washington street.
Q. Chicago, Illinois?—A. Chicago, Illinois.
Q. How long has he been associated in the way you have indicated with you?—A. Well, off and on for fifteen years.
Q. You know him very well?—A. Very well.
Q. And have you had any business transactions with Mr. Wilson since the month of September?—A. No, sir.
Q. None, whatever?—A. No, sir.
Q. When did you see Mr. Wilson the last time?—A. The day after the—I won't say whether the day after or the second day after the primary election.
Q. He was active in the primary election, was he?—A. Well, he wasn't so active; I was.
Q. He was a candidate for the legislature?—A. Yes, sir.
Q. Is that correct?—A. Yes, sir.
Q. The Illinois legislature?—A. That is right.
Q. Where did you meet him the last time that you saw him?—A. The last time I saw him, he stepped into my office, I was quite busy, and he said, "I will see you again, Jim," and walked right out.
Q. What did you understand that he meant by it?—A. Oh, he was always a whole-souled fellow, and he always had the glad hand, you know.
Q. You thought he was leaving you, is that right?—A. No; he always does that, all the time.
Q. You haven't seen him since?—A. I haven't seen him since.
Q. You haven't heard from him since?—A. No, sir.
Q. And no inquiries were made for him since?—A. Yes; many.
Q. By his business associates or otherwise?—A. Well, some people called up on the wire about they wanted him to handle a certain piece of property that he was handling, or something like that, but nobody has been in my office on any business.
Q. Did he have open deals when he left?—A. He always had open deals.

Q. Have you attended to those since?—A. No; I don't ever attend to his deals at all, until he brings them to me to finish up and make the papers for him.

Q. Who has been attending to his open deals or business while he has been gone?—A. No one.

Q. No one at all?—A. That I know of.

Q. And you haven't heard from him?—A. I haven't heard from him.

Q. Received no communication of any kind?—A. No.

Q. Directly or indirectly?—A. Directly or indirectly?

Q. Any mail received for him at your office?—A. No, sir.

Q. None whatever?—A. No, sir.

Q. Does his mail come to your office?—A. Some of it; yes.

Q. And since the time he came there, how long before any letters have come from him?—A. It might be six or eight months before any letter would come from him at any time.

Q. That is even his political mail?—A. No; it don't go there; I don't know of any mail.

Q. Have you any idea of where he is?—A. I don't know at all.

Q. Did he have any deals that you know of that took him out of Chicago?—A. Well, he talked to me—I went to Chicago in July, and he said to me "Won't you look up a deal in Fresno County for me?" "Well," I said "Bob, I am going to-night, and if you get the data of that for me I will stop off for you on my way down to Los Angeles, and look it up for you." And he didn't get it, and I didn't see him. That is the only deal I ever heard of him having on.

Q. You never discussed it with him subsequently?—A. No.

Q. That was many months ago?—A. Well, I left here on the 16th of July.

Q. Mr. Casey, your relations with him were such that if he was going to make any extended journey, he would be pretty apt to let you know?—A. No.

Q. Has he ever made a journey of this kind, absenting himself for several weeks?—A. Always.

Q. He has made a number of them, has he?—A. We used to be in the auction merchandise business together, and I have had him out in Minnesota running a store for me, and didn't hear from him for nearly four months.

Q. But you knew where he was?—A. Oh, yes; I supposed I did.

Q. He made frequent journeys of this kind, covering a period of two or three weeks, without advising you where he was?—A. Yes, sir.

Q. Frequent journeys inside of the last six months?—A. Yes. Well, all his life—ever since I have known him.

Q. And within the last six months, he has absented himself?—A. He doesn't ask any questions of me when he goes.

Q. And doesn't let you know where he is going?—A. No.

Q. And does not advise you where he is after he has gone?—A. No.

Q. You haven't any idea of his whereabouts now?—A. Absolutely none.

Senator BURROWS. Is he a member of the present legislature, the last legislature?—A. Yes, sir.

Q. Is that his first term, do you know?—A. Second.

Q. That was his second term. And he was a candidate for reelection?—A. Yes, sir.

Judge HANECY. Was he renominated at the primaries the 15th of last month?—A. Yes, sir.

Q. They were direct primaries?—A. Well, that new primary law, I don't know what it is.

Judge HANECY. Yes; the direct primaries.

Senator HEYBURN. I would like to ask you, Do you know the name of any person in Fresno, Cal., connected with this deal?—A. No; I don't know a thing about the deal.

Q. And don't know the name of any person through whom information might be obtained?—A. No person. I never got the data. I never heard anything really about it at all.

Senator BURROWS. Anything further of this witness?

Judge HANECY. I do not desire anything further.

Mr. AUSTRIAN. Oh, no.

Senator BURROWS. You may be excused.

The WITNESS. May I go back home, to my office?

Senator BURROWS. Yes. Call Mr. Holtslaw.

Mr. AUSTRIAN. Mr. Terrill?

Senator BURROWS. Wait a moment. Call Mr. Terrill. Mr. Terrill has been here some time. He is anxious to return home, I understand; he has been here some time.

Henry Terrill, recalled as a witness herein, testified as follows:

By Senator HEYBURN:

Q. When you were on the witness stand before, you stated that Mr. Griffin, a member of the legislature from Cook County, had a conversation with you in which he asked you to vote for Mr. Lorimer, and in which you stated that you asked him what there would be in it, and he said a thousand dollars, any way. Where was that conversation had?—A. That was right across on Fourth street, right opposite the St. Nicholas Hotel.

Senator FRAZIER. In Springfield?—A. In Springfield.

Senator HEYBURN. Mr. Griffin has been on the stand, and at page 1572 of the testimony he relates the circumstance where he had a conversation with you in these words:

> There was a band playing across the street there; I went across the street—there was an Elk's convention there—and after the band went upstairs I started to walk over to the hotel and met Terrill, and I said, "Hello, Terrill." He said, "Hello." I said, "Terrill, why don't you vote for Lorimer?" "Now," I said, "you are a Republican, and it don't make any difference;" and I says, "It will make you strong politically in your town to have it known—to have a United States Senator back of you;" and I says, "You ought to vote for him," I says, "as long as he is a Republican."

Now, he follows that by saying, in response to a question—

> Q. And if Terrill had been a Democrat, you would have told him he ought to vote for him, too?

He says:

> I suppose I would; yes. I told him I was going to vote for him.
> Q. Now, did you discuss with Terrill anything about money—did you, at all?

His answer was:

> No, sir.

Now, is that the conversation you refer to?

A. Well, partly; yes.

Q. Did you have any other conversation with him before that?—A. We had a conversation about money; the only thing is I can verify my statement of Wednesday. I asked him out of curiosity.

Q. At that time?—A. Along at that time.

Q. When you were over there where the band had been playing?—A. Yes; when we were over there on the other side of the street.

Q. So you reaffirm your statement that that conversation took place at that time and place?—A. Yes, sir.

Q. That was the conversation with reference to the $1,000?—A. In which he stated that there would be $1,000 anyway.

Senator HEYBURN. That is all I desired to ask.

Senator GAMBLE. Now, perhaps another question. In the testimony, I think, of Jacob Groves—I think that is the name, the witness Groves—you made this statement:

Q. State what, if any, conversation you had with Terrill.—A. Mr. Terrill told me he got $1,000 for voting for Lorimer.

Senator FRAZIER. That was corrected afterwards.

Mr. AUSTRIAN. That was corrected.

Senator GAMBLE. I was trying to locate the correction.

Mr. AUSTRIAN. He said he "could have got."

Senator GAMBLE. Well, did you have any conversation with Mr. Groves relative to the use of the term "$1,000?"—A. Yes; I repeated to Mr. Groves the conversation I had with Mr. Griffin.

Q. Just state, as near as you can, that conversation that you had with Groves.—A. Well, I told Mr. Groves of the conversation I had with Mr. Griffin the evening previous, in which Griffin stated that there would be $1,000 in it anyway. I do not want you to misunderstand me. I never was offered $1,000 at any time by anyone.

Q. You never were offered $1,000?—A. No, sir; I never was offered $1,000.

Q. By anyone?—A. By anyone.

Q. Did you vote for Mr. Lorimer?—A. I did not.

Judge HANECY. Were you ever offered any money or other thing of value?—A. I never was.

Q. By anybody to vote for William Lorimer for United States Senator or because—you didn't vote for him?—A. No, sir.

Q. If you would vote for him?—A. No, sir; I wasn't offered anything.

Senator GAMBLE. Page 1337 is the correction. The question by Senator Heyburn to Mr. Groves:

Re-examination: He came back, this witness, yesterday and testified with reference to Mr. Terrill and what Mr. Terrill had said to him. I desire that there should be no question about that before he is excluded. I will see now whether or not the testimony now, after being corrected, states it correctly. In speaking of Mr. Terrill yesterday you were asked whether or not he stated to you that he could receive money for voting for Mr. Lorimer. The record now, after you have corrected it, shows that you answered that he stated that he could have earned $1,000. Now, that stands as your answer, does it?—A. Yes, sir.

Q. You were then asked to repeat it, and you said, "Yes; if he would vote for Lorimer. That was Mr. Terrill, who was just on the stand here recently."

Judge HANECY. He says "Yes" to that.

Senator GAMBLE. Do you desire any correction or change to your testimony which you gave on the other time when you were originally on the stand?—A. No, sir.

Judge HANECY. Did you ever tell anybody that you could earn $1,000 if you voted for Mr. Lorimer—for William Lorimer—for United States Senator?—A. No, sir.

Q. You never told anybody that?—A. I never told anybody.

Q. You never told Jacob Groves or anybody else that?—A. No, sir.

Q. And you never told Jacob Groves or anybody else that you could earn any amount of money or other thing of value if you did vote for William Lorimer for United States Senator, did you?—A. No, sir.

Senator FRAZIER. What you did tell Mr. Groves was that you repeated to him the conversation which you had detailed to Mr. Griffin?—A. Yes, sir.

Q. And in which Mr. Griffin told you there was $1,000 in it, or more?—A. Yes, sir.

Q. Or at least $1,000?—A. A thousand dollars, anyway.

Senator PAYNTER. Mr. Terrill, if my memory is not at fault, I believe you stated in your previous testimony that when he invited you to vote for Mr. Lorimer you asked him what was in it for you?—A. No; not for me.

Q. Well, what was the language he used?—A. I said, "What would there be in it?"

Q. Well, I will leave out the "me." Then, "What would there be in it?" He never followed that up, your inquiry, by offering you anything at all?—A. No, sir.

Q. Did anybody else approach you and offer you anything?—A. No, sir.

Senator HEYBURN. Did you ask him what there would be in it for the purpose of soliciting a bribe from him?—A. No, sir; for curiosity.

Senator HEYBURN. Curiosity.

Senator FRAZIER. Had you heard at that time some talk about the use of money in connection with this election?—A. Rumors only.

Q. That prompted you to make that inquiry?—A. Yes, sir.

Senator PAYNTER. Did you tell Griffin that you asked him out of curiosity?—A. No, sir.

Judge HANECY. And the rumors that you heard about the use of money were not confined to any one candidate for United States Senator, were they?—A. No, sir; they were not.

Q. I do not want you to name the different men individually, but the rumors that you heard applied to different men who were candidates for United States Senator at that time?—A. Yes, sir.

Senator BURROWS. What were you curious about it for?—A. Oh, I don't know; we all get a little curious, I suppose, at times.

Q. Well, how did it concern you?—A. It did not concern me.

Q. You did not vote for Mr. Lorimer?—A. No, sir.

Q. Well, what effect would it have had upon you if you had been offered $1,000?—A. Just the same.

Q. What do you mean by "just the same?"—A. It would not have had any effect whatever on me.

Q. Would you have taken it?—A. No, sir.

Senator GAMBLE. You were making inquiries simply for information?—A. For myself.

Q. To learn whether or not anything of that kind was going on with the members of the legislature, I understand?—A. Yes.

Q. As a matter of curiosity?—A. That is all.

Senator HEYBURN. Well, was it merely curiosity or a desire to probe the question?—A. Well, I would take it as curiosity. I merely wanted to know myself.

Senator FRAZIER. You were later induced to make the inquiry from the fact that you had heard these rumors with respect to the use of money in connection with the election of Senator?—A. Yes, sir.

Q. Is that correct?—A. Yes, sir.

Senator BURROWS. Any further questions?

Senator PAYNTER. You were not seeking to trap or expose Griffin?—A. No, sir; not in any way.

Senator BURROWS. Any further questions?

Judge HANECY. We have none.

Senator BURROWS. Can this witness now be excused? He has been here several days.

Mr. AUSTRIAN. Yes.

The WITNESS. Can I be discharged now?

Senator BURROWS. You may be discharged.

Judge HANECY. I sent for Mr. Shurtleff, Mr. Chairman, and I think he is here.

Mr. AUSTRIAN. Can I have Mr. Holstlaw first? It will be very brief, Mr. Chairman.

Judge HANECY. Very well.

Senator BURROWS. Mr. Holstlaw.

D. W. Holstlaw, recalled as a witness herein, testified as follows:

Mr. AUSTRIAN. May I proceed, Mr. Chairman?

Senator BURROWS. Certainly.

Mr. AUSTRIAN. Mr. Holstlaw, you were notified to produce the letters that you referred to upon your last hearing, from Mr. Broderick?—A. Yes.

Q. Did you bring them?—A. I did not, because I could not find them.

Q. Did you search everywhere for them?—A. I did; I searched every place; as I told you before, I wasn't sure I had them, but I thought I had them; when I got home I hunted every place and could not find them.

Q. How many letters did you receive?—A. Just one.

Q. And that was just immediately prior to your——

Judge HANECY. Let him state. I submit he should not be prompted.

Senator BURROWS. Let the witness state.

Mr. AUSTRIAN. He has been all over it before.

Q. Fix the time as near as you can, prior to your visit to Mr. Broderick, of the receipt of the letter.—A. Of that letter?

Q. Yes.—A. Well, I think it was just about a week before I came up here, and wasn't that on the 16th of June? I think it was.

Q. Mr. Holstlaw, look at this deposit slip, which is in evidence as Exhibit 1—S " I think "10-3-10" The State Bank of Chicago. Is that the deposit you made in the State Bank of Chicago of $2,500 you referred to in your prior testimony?—A. It is.

Q. Now, is your memory refreshed in any way as to the exact date you saw Mr. Broderick by an examination of that deposit slip?—A. Well, it was the same day, as I remember it.

Q. The same day?—A. I think so.

Q. You went over from Broderick's saloon to the bank?—A. I did.

Q. And that is the deposit of the $2,500, is it?—A. Yes; I suppose it is; it is on that date, and I suppose it is.

Q. That is the only $2,500 deposit you ever made there, was it not?—A. Yes; that is all; yes.

Q. Now, Mr. Holstlaw, the letter which you say you received from Mr. Broderick stated what?—A. Well, as well as I remember, it just simply said to "meet me in Chicago some time the next week;" that is my recollection.

Q. And you did, pursuant to that letter, meet him in Chicago the next week?—A. Yes, sir.

Q. Now, after you met him, or during the course of your conversation on the 16th of June, 1909, was there anything said about your returning?—A. I think not.

Q. When did you return, if at all?—A. Well, sir, that I can not remember; it must have been a month or so later, but I don't remember.

Q. Well, who told you to come back, if anyone?—A. That; I don't remember that, either.

Q. How did you happen to go back?—A. Well, I don't know whether I was notified or how it did come about that I went back; I don't remember as to that.

Q. But when you got back you saw Mr. Broderick again, did you?—A. Yes, sir; I seen Mr. Broderick again.

Q. Mr. Holstlaw, how long were you in Broderick's place on the first visit on the 16th day of June?—A. Well, it was a very short time; I don't know; I might have been there thirty to fifty minutes.

Q. Did you take any liquor?—A. No, sir; I did not.

Q. Do you drink liquor?—A. No, sir.

Q. Did you take any drink there at all?—A. I think I took some. A drink of blackberry wine, I think I did.

Q. More than one?—A. No, sir; I did not.

Q. Did you take that for medicinal purposes

Senator PAYNTER. I do not think the witness should be held responsible for it if he took it for some other purpose.

Mr. AUSTRIAN. I will withdraw the question.

Q. Mr. Holstlaw, where did you have this conversation that you have detailed in your prior testimony with Mr. Broderick, what part of the saloon or place of business?—A. What, in meeting him, do you mean?

Q. Oh, no; this conversation when he paid you the $2,500?—A. Well, there wasn't much conversation about it.

Q. He just handed you the $2,500?—A. He just handed me the $2,500, and I walked out.

Q. Where did he hand it to you?—A. In his office.

Q. At the private office, was it?—A. Yes; it was the private office, but it was located in his saloon, in one end of the saloon.

Q. In one end of the saloon?—A. Yes, sir.

Q. Were you standing at the bar, at the end of the bar, for an hour or about an hour or some such time during all the time that you were in his saloon? Or where were you all the time you were there?—A. Well, I was there, I think, I was sitting there the most of the time when I was there, just sitting in the saloon.

Q. In the saloon?—A. Yes, sir.

Q. Were you waiting for Mr. Broderick to come there?—A. I was.

Q. How long did you wait for him?—A. Well, that I can not say.

Q. Well, how long were you there before he came?—A. Oh, I perhaps was there, I don't know; I may have been there an hour.

Q. An hour?—A. Yes.

Q. How long did you remain after he got there?—A. Not very long.

Q. Well, how long?—A. Well, probably thirty or forty minutes; something like that.

Q. Did you remain in the open part of the saloon with Broderick, or did you go some place?—A. No; we were right there in the saloon with him.

Q. When did you go into the private office?—A. Just a short time before I left.

Q. And how long were you in the private office?—A. Oh, I think perhaps five minutes.

Q. Did he ask you to go in the private office?—A. Well, my recollection is that he did step in there.

Q. And you went in there?—A. Yes, sir.

Q. Mr. Holstlaw, when you went there the second time did you meet Broderick?—A. I did.

Q. How long did you remain there, the second time you were here?—A. A very short time.

Q. A very short time. How long?—A. Well, I should think twenty or thirty minutes.

Senator BURROWS. It is quite difficult to hear your answers.

The WITNESS. Oh, it is. Well, I will try and answer a little louder, Senator.

Mr. AUSTRIAN. Where did you meet Broderick on that occasion?—A. I met him in the saloon, first.

Q. Were you there before he got there, or was he there when you got there?—A. I think he came in just a few minutes after I got here.

Q. Did you stay in the saloon or did you go any place with him?—A. No; I stayed right there until he came.

Q. And then after he came what did you do?—A. Walked into his office.

Q. And how long did you remain in his office?—A. Perhaps five minutes.

Q. Did he give you the $700 in his office?—A. He did.

Q. And then you left?—A. Yes, sir.

Mr. AUSTRIAN. That is all.

Judge HANECY. The county you live in is a prohibition county, is it not?—A. Well, I believe it is and it is——

Q. You know it is, do you not?—A. Yes, it is a prohibition county.

Q. There are some counties in your senatorial district that are not?—A. Yes, sir.

Q. And one of them is Clinton County?—A. Yes, sir.
Q. You carried Clinton County, didn't you?—A. Yes.
Q. You did not carry your own county, did you?—A. No, sir.
Q. Where was the private office in Broderick's place of business?—A. It was at the end of the saloon.
Q. Well, which end?—A. Well, I think it was in the west end; I may have been——
Q. Was that the front or rear end?
Mr. AUSTRIAN. Let him finish; he says he might have——
A. I might have been turned around in regard to that, but it was the front end; yes.
Judge HANECY. It was the front end?—A. Yes.
Q. What was there to designate or indicate that there was an office at that end?—A. There wasn't anything.
Q. The only partition or division there was in the entire place from the time you entered the front door until you got through and out of the back door, or to the back door, was a low partition with swinging doors that did not go to the floor below or to the ceiling above; is not that right?—A. Yes, that is right.
Q. So that you could not get into the saloon part where the bar was from the front door?—A. No, sir; there is no front door to the office, as I remember it.
Judge HANECY. Wait until I get through.
Senator BURROWS. He is speaking of the outside.
Judge HANECY. When you come in from the outside you could not go into the bar room or the bar part of the saloon without passing through this space that had a low partition and short doors that did not go to the floor or to the ceiling?—A. No, sir.
Q. That is right, is it not?—A. Yes; that is right.
Q. So that everybody who came in or went out the front door had to pass through that what you call the office?—A. Yes, sir.
Q. Now, the office—the part that you call the office—is practically a screen, is it not, so that people passing on the street can not look through the doors and see who is at the bar back of there drinking or sitting down or talking; that is right, is it not?—A. I think it is so arranged that way; yes, sir.
Q. What is there in that front part of the place; what is there in there; was there anything in there?—A. Do you mean the office part?
Q. What you call the office; yes.—A. Well, there wasn't anything but a desk.
Q. Simply a desk?—A. Yes, sir.
Q. And anybody could look from the street right into that part of the office, couldn't they?—A. I think so; yes.
Q. Yes. That was open right out to the street and anybody passing could look into the office and see who was there and what they were doing; and anybody in the office who was sitting down or standing up could look out onto the street and see who was passing?—A. Yes; there is a window to it, no door, a window, and they could look right in if they so desired.
Q. That was the most public part of the entire saloon of Mr. Broderick, was it not?—A. Yes, sir; I think it was.
Q. When you say you got this letter—but I withdraw that for the present. Did anybody go in or out of the saloon while you were

there through the front door?—A. Oh, I suppose so, but I don't know.

Q. You didn't pay attention to it?—A. No; I didn't pay attention to that, but I suppose there was all the time, going out and coming in.

Q. All the time?—A. All the time; yes.

Q. What time of day was that?—A. About 10 o'clock.

Q. In the morning?—A. Yes, sir.

Q. And what time did you get there?—A. What time did I get to his office?

Q. To the saloon or office?—A. Well, I should think it was somewhere near 9 o'clock.

Q. In the morning?—A. Yes, sir.

Q. And you delayed there until when?—A. About 10 or a little bit after.

Q. Then Broderick came?—A. Yes, sir.

Q. And then you were there thirty or forty minutes after that were you?—A. After Mr. Broderick came?

Q. Yes.—A. I should think so; yes.

Q. What did you do while you were waiting for Mr. Broderick between 9 and 10 o'clock?—A. Sitting there reading the paper.

Q. In the bar part?—A. Yes.

Q. Did you talk with anybody?—A. No; no one at all, except I may have spoken to his bartender.

Q. How many bartenders were there there?—A. I think only one.

Q. It is a very long bar, is it not?—A. Yes, sir.

Q. And was there—were there billiard and pool tables in that long room back of the screen in front?—A. Well, I think there was; that is my recollection of it.

Q. A number of them, weren't there?—A. Well, really I don't know how many.

Q. You didn't see anybody, or you don't remember anybody that was there, during the time that you were there from 9 until 10, or from the time that Mr. Broderick came until you went away, do you?—A. No, sir.

Q. But there were many people going in and out there all the time?—A. There was.

Q. And there were a number of people at the bar there all the time, weren't there?—A. Yes, sir.

Q. Did the letter that you say you got from Mr. Broderick indicate to you in any way that you were to get anything from Mr. Broderick when you got there?—A. It did not.

Q. Was there anything about it, either in the letter itself or envelope, or anything connected with either, or the fact that you received that letter, indicating to you in any way, directly or indirectly, that you were wanted here for the purpose of getting something from Mr. Broderick?

Mr. Austrian. I haven't any objection to counsel asking him, but he is asking whether there was anything in the letter or the envelope and then slips in, "or the fact that he received it." Now, I do not suppose the witness is schooled, but I think the witness ought to be asked question that is more simple; separate it.

Judge Hanecy. I mean, Mr. Chairman, if he had a scheme or plan with Mr. Broderick or anybody that whenever he received a slip of paper or letter that he was to come in. That is what I mean. I

want to know whether there was anything in any way, directly or indirectly.

Senator BURROWS. Put your question in that way.

Judge HANECY. May I have the question read?

Senator BURROWS. Yes; read the question.

(Question read.)

A. There was not.

Q. And you did not know, and had no indication of any kind, through the letter or otherwise, that when you came here you were to get anything from Mr. Broderick, did you?—A. Well, Mr. Broderick told me that he would give me the $2,500.

Q. Well, when did he tell you that?

Senator PAYNTER. Let him finish. Just a moment.

Judge HANECY. I thought he was through.

Senator HEYBURN. Finish your answer, witness.

Senator BURROWS. Read the question.

(Question read.)

Senator BURROWS. Now read the answer.

(Answer read.)

Senator BURROWS. Have you any further answer to that question?

The WITNESS. That is all.

Senator PAYNTER. What response did you make when he made that statement to you, if any?—A. I don't think I made any.

Q. That is what I had understood your testimony before.—A. Yes.

Judge HANECY. When you were on the witness stand here before, Mr. Holtslaw, did you not tell this honorable committee that you never expected to get anything from Mr. Broderick or anybody else because of any vote for William Lorimer for United States Senator or anything else?—A. No; I don't remember that I told them in that way. I don't consider when I got the—well, I consider this, that I would have voted for him; I would have voted for him. It didn't make any difference about the $2,500, and he never said a word to me about the $2,500 until the night before he was elected, and I didn't know at that time that I would get a cent and did not expect it.

Q. And didn't you say on your former examination before this honorable committee that you did not know why you received the $2,500 from Senator Broderick?—A. I do not think I said that.

Q. You do not think you said that?—A. I do not think I did.

Q. Well, you told the truth on that occasion, didn't you?—A. I certainly did.

Q. Did you get a letter the second time that you say you came in?—A. That I don't remember, Mr. Hanecy.

Q. How many times were you ever in Senator Broderick's saloon?—A. Twice.

Q. Only twice?—A. Only twice.

Q. Never there any other times?—A. I never was.

Q. And you never got anything to indicate that you were to come there except that one letter, which you say you think you got about a week before you went there?—A. Well, I don't remember about the second time how I was notified or whether I was notified at that time at all.

Senator GAMBLE. How did you happen to go to the saloon on the first occasion there?—A. Well, that is—of course I went to his place of business to find him, just as I had before.

Q. Did you go expecting at that time to receive something from Senator Broderick?—A. I did.

Q. Had he or anyone else directly or indirectly communicated with you that you should or would receive any sum of money?—A. He simply said at the time that he gave me the twenty-five hundred that there would be some more coming to me later on.

Q. And this was later on?—A. And this was later on.

Q. And you went there then with that expectation?—A. I did.

Judge HANECY. How much later was it that you went there again?—A. That I don't remember, Mr. Hanecy; it might have been a month or six weeks. I don't remember that.

Q. Yes; I know it might have been several months. But what I want to know is, what it was, to your best recollection?—A. Well, I would judge it was six weeks later.

Q. That is your best recollection, is it?—A. Yes, that is my best recollection.

Q. And did you get that in the same place that you say you got the other money?—A. I did.

Q. And was Mr. Broderick there when you went there the second time?—A. I don't remember whether he was in at the time I got there or not. If he was not he came in very shortly afterwards.

Q. And what time of day was that?—A. That was in the morning also; perhaps about half past 9, possibly 10.

Q. And what time did you leave there?—A. Well, I left in a very short time after.

Q. Well, how long? We don't know.—A. Oh, perhaps forty minutes.

Q. And was there anybody else there at that time?—A. Oh, there was a lot of people going in and out.

Q. Going in and out?—A. Yes, sir.

Q. And where was that given to you?—A. In the same place—in the office.

Q. Right in front part of the building?—A. Yes, in the front part.

Q. Is there a safe in that part of the office?—A. If there is I don't remember.

Q. Don't you know there was not?—A. Well, I don't remember about that.

Q. Don't you know there was not anything in that part of the building except what you say was a desk?—A. Well, that is all I remember of, is a desk.

Q. What kind of a desk was that?—A. Well, I think it was a folding desk, as I remember.

Q. Do you know whether it was or not?—A. No: really I do not.

Q. You don't know whether a folding desk or a flat desk like one of these tables?—A. I rather think it was a folding desk; that is my recollection, but then I am not positive about that.

Q. Was it open when you went in there?—A. Yes; it was open.

Q. Was it open all the time?—A. All the time.

Q. Was it open when you went through there in the morning before Mr. Broderick got there?—A. I didn't see it; I wasn't in the office before he got there.

Q. You passed through there, didn't you, to go into the bar?—A. No; you don't pass through the office; it is right to the side of the office that you go in. You don't go through his office.

Q. Well, is it not right across the front of the saloon?—A. Well it is just in one corner.

Q. Yes, I know; but there is only one partition across and that runs right across the saloon. does it not?—A. I don't think—I think the office is to itself; I think so.

Q. Well, there is this low partition that runs from one side to the other, isn't there?—A. Yes; there is a low partition.

Q. And there is not any other partition in the entire place from the time you enter the front door until you get to the back door going out, is there?—A. Well, my recollection is that there is a pass way between the office and the bar, as you go in.

Q. But it is all open, is it not?—A. Oh, it is open; yes.

Q. It is all open?—A. Yes, sir.

Q. Of course you go in the front door and go right through that space, pass through the low swinging doors or the short swinging doors, and go into the bar; that is right, is it not?—A. Well, the way I remember it is that this office is divided from the regular part of the saloon, but by a low partition.

Q. A low partition?—A. Yes.

Q. That is what I say?—A. Yes; that is my understanding.

Q. And there is only that one partition there, isn't there?—A. I think that is all.

Q. That is all. Now, do you remember any other furniture or any other thing that was in there except what you call a desk?—A. Well that is all I remember of.

Q. And it was in the same condition when you went through that it was when you went in there to get this money?—A. Well, I don't know that I took notice to the desk as I went through, but when I came into the office part I noticed the desk.

Q. You noticed the desk there?—A. Yes.

Q. Where did the money come from that you say Senator Broderick gave you?—A. He took it out of his pocket.

Q. He did not take it out of the desk?—A. No, sir.

Q. Or out of the safe or any place else?—A. No, sir.

Q. But he just took it out of his pocket and handed it to you?—A. Yes, sir.

Q. What pocket did he take it out of?—A. I think out of his coat pocket.

Q. The tail or where?—A. Inside

Q. The inside pocket of his coat?—A. Yes; that is my best recollection.

Q. Did he have other money there with it?—A. I didn't see any.

Q. Was this the only money that he had there?—A. That is all that I know of.

Q. After you say you got this letter that you got, and that you can not find, did you write him or indicate to him in any way that you would be here?—A. I don't think I did.

Q. Did you indicate to Senator Broderick in any way when you would be here?—A. No, sir; I think not.

Q. Did he know, in any way, so far as you know, before he got there that morning at about 10 o'clock, that you were coming in, or

iat you were there?—A. No, sir; except I think I asked the bar-ender to phone him that I was in Chicago and would like to see him.
Q. Well, he did phone him, didn't he?—A. Well, now, really I on't know whether he did or not.
Q. You don't know whether he did or not?—A. I don't remember bout that.
Q. As far as you know, he came in there——A. How is that?
Q. I say, as far as you know, he came in there from his home, idn't he?—A. Yes, sir.
Q. And met you there for the first time?—A. Yes, sir.
Judge HANECY. That is all, Mr. Senator.
Senator JOHNSTON. Now, suppose this is the room [indicating], nd this is the bar, except for the partition, running entirely across ie front of it as you entered——A. No, sir; that is not my recol-ction of it; it did not run clear across.
Q. And that was across——A. Well, just left a good pass way, erhaps. I don't know whether—I don't remember whether the ar extended to the front of the saloon or not; I don't remember bout that. I don't hardly think that it did. My recollection of it that the office was cut off in one corner; and then there is a parti-on from the office across to the other side of the saloon in front of ie saloon, swinging doors as you go in. It is my recollection—only eing there twice, but it is my recollection; I don't know whether it right or not.
Q. Your recollection now is that there was a partition extending ear across the whole width of the saloon, first; then there was iother one that cut off the office?—A. That is my understanding; iat is the way I remember it.
Q. Did the bar extend opposite to this office, as you call it?—A. Vell, I hardly think it did.
Q. Could anyone at the bar—could the bartender or anyone else e you while you were in the office?—A. I don't know whether they ould or not.
Q. You don't remember?—A. No; I don't remember.
Q. How high was this partition that inclosed the office?—A. Oh, must have been—I would guess 5 feet high.
Q. And you say you deposited the $2,500 in the First National ank?
Mr. AUSTRIAN. State Bank of Chicago.
The WITNESS. State Bank of Chicago.
Q. Did you receive it in an envelope or package?—A. Envelope.
Q. You did not open the envelope there at all?—A. No.
Q. Was that bank your correspondent here?—A. Yes.
Q. You were making deposits from time to time to your credit?—. Yes.
Q. To the credit of your bank, I mean?—A. Yes.
Q. What balance did you keep there?—A. Oh, sometimes it is—ell, I don't know.
Q. Well, about how much did it average?—A. Probably seven or ght thousand, just as the case happened to be—I don't remember hat the balance was, really.
Q. You were drawing on that bank?—A. Yes; when they——
Q. For remittances; whenever you made a collection, you would aw on that bank in Chicago for remittances?—A. Yes.

Q. And you would transmit to them your credits?—A. Yes.

Q. Did you have any other credits during that month with the State Bank?—A. Oh, I think so; of course I don't remember; not being the cashier of the bank, I could not answer that intelligently.

Q. Might your bank have deposited another $2,500 during that month?—A. Why, they might.

Q. Did you deposit the $700 that you got on that second occasion?—A. I did not; no, sir.

Q. Was that in an envelope, too?—A. Now, I don't remember whether it was or not.

Q. You don't?—A. No.

Senator JOHNSTON. That is all.

Mr. AUSTRIAN. You made no other deposits at the State Bank of Chicago, personally, did you?—A. No; no other personally, but the bank did, and this money was deposited in favor of the bank.

Q. But when the bank did, it sent its deposits through the regular clearance, by mail?—A. Yes.

Q. They did not come up to Chicago and deposit the $2,500 in cash. whenever they wanted to have money deposited in the State Bank of Chicago, did they?—A. No; they transmitted it in the regular course.

Q. In the regular course?—A. Yes.

Q. And that is the way banks usualy do?—A. Yes.

Q. That is what they call a clearance?—A. Yes.

Judge HANECY. Did you give that letter to anybody, Mr. Holstlaw?—A. What letter?

Q. The letter you think you got from Mr. Broderick?—A. No, sir; I did not.

Q. Are you sure about that?—A. I am sure about that.

Q. Were you asked by the state's attorney, or the assistant state's attorney, of Sangamon County, when you were before that grand jury, or before him, were you asked to find that letter?—A. To find the letter?

Q. To find it?—A. No, sir.

Q. Did he ask you for that letter?—A. No, sir; he did not.

Q. Did you ever tell him about that letter?—A. No, sir; I never did.

Q. Did you ever tell anybody that you received a letter, until you came up here and testified before this honorable committee?—A. I never did.

Q. You never mentioned it to anybody?—A. No, sir; I never mentioned it to anybody.

Q. Did Mr. Burke, the state's attorney of Sangamon County, ask you, when you were before him, when you were subpœnaed by him to appear at his office and to appear before the grand jury there, if you had any letter or communication from Senator Broderick?—A. No, sir; he did not.

Q. Did any of his assistants, or anybody else?—A. I think not.

Q. Then you were never asked anything about that letter or any letter or any communication from Senator Broderick to you at any time?—A. I never was.

Q. And you never told anybody that you got a letter?—A. No, sir.

Q. From Senator Broderick?—A. No, sir.

Q. Or any communication at any time, until you came up here and testified before this honorable committee?—A. I never did.

Q. When you were testifying here, just before Mr. Austrian showed you the deposit slip, with the date on it, you hesitated about the date that you say that you met Senator Broderick, and said: "Well, the 16th, if that was the day." What did you mean by that?—A. I maintained all the time that I thought it was the 16th that I was up here. That is what I have stated; that has been my recollection of it.

Q. You were not positive of it, were you?—A. No, sir; I was not positive.

Q. And you are not positive now that it was the 16th that you were up here?—A. Well, I think it was.

Q. But you are not positive?—A. I could not swear it was the 16th.

Q. No?—A. But I think it was.

Q. That is right. You never have been positive that that was the date you were up here and saw Senator Broderick, have you?—A. No; only to the best of my recollection——

Q. And you never have been positive that you were here and talked with Senator Broderick——

Mr. AUSTRIAN. I object. Let the witness answer the other question, Mr. Chairman; let him finish his answer.

Judge HANECY (continuing). On the 16th of June, isn't that the fact?—A. Ask that again, please.

Q. You were never positive that it was the 16th of June that you were up here and talked with Senator Broderick the first time?—A. No; it was only my best recollection that it was the 16th.

Q. And you would not swear to it positively?

Senator BURROWS. He states that it is his best recollection.

Judge HANECY. All right; that is all.

Senator BURROWS. I want to ask you a question.—A. All right, Senator.

Q. I think you have stated in your testimony that there was something else coming to you, something more coming to you, something of that kind?—A. That is the remark he made: "That there will be something more coming to you."

Q. Who said that?—A. Senator Broderick.

Q. Did you at that time know of any other sums which were coming to you?—A. I did not.

Q. Did you know what he meant by that expression?—A. I did not.

Q. You were not expecting any other sum?—A. No, sir; I was not.

Q. What reply did you make?—A. I didn't make any reply.

Senator BURROWS. That is all.

Senator GAMBLE. Did you accept this additional sum as arising out of matters in relation to the "jack pot," or otherwise?—A. Now, really, I don't know what it was for, and I didn't ask any questions, and I never had any talk with anybody regarding anything of the kind, and he simply made that remark, and that is all that was said.

Q. Was this your first term in the legislature?—A. Yes—no; I was in the house.

Q. You were in the house?—A. Yes; a good many years ago.

Q. One or two terms?—A. One.

Q. One term?—A. Yes.

Senator GAMBLE. That is all.

Senator BURROWS. You were not expecting any other sum?—A. No, sir; I was not.

Senator GAMBLE. And had heard of no other sum?—A. No, sir no, sir; I had heard of no other.

Senator GAMBLE. That is all.

Judge HANECY. May I ask that he be kept just a minute until look up something?

Senator BURROWS. Yes.

Mr. HANECY. On your first examination, when you were here, M Holstlaw, didn't you say that when Senator Broderick handed yo the $2,500 that he didn't say a word and that you did not say word?—A. Well, now, there was very little said, and I don't remem ber whether we did say a word or not.

Q. Weren't you asked the question: "What was said at th time?"—A. After I received the money I don't think we did say word.

Q. When the money was handed to you, and after that, Broderic never said a word to you?—A. No, sir; I don't think he did.

Q. And you never said a word to him?—A. I think not.

Q. Then, he did not tell you that there was some more coming t you, did he?—A. Well, that night—I don't remember whether tha was before or after, but it was at that time. It was at the time was here that he said there would be some more coming.

Q. But you are quite certain that when he handed you the mone that he didn't say a word to you and you didn't say a word t him?—A. I mean in regard to that $2,500, that there was not a wor said in regard to that.

Q. Well, was there a word said in regard to anything else?—A Nothing, only he said there would be some more coming to me; tha is all.

Q. Were you asked by one of the members of this honorable com mittee, "Do you mean to say"—in substance—"Do you mean to sa that he handed you the money, and you took it, and he did not sa a word to you, and you did not say a word to him?" And didn't yo answer, "That was the fact?"—A. Well, when he gave me th money there was not anything said.

Q. "And there was not anything said"—weren't you asked the if you just got the money, and nothing was said by Broderick an you, and you took the money and went out?—A. I stated that I—

Q. And you said yes?

Mr. AUSTRIAN. Let him finish the answer.—A. I stated at tha time that he said there would be some more coming to me.

Q. You are quite certain of that?—A. Yes.

Q. You said, when you were on the stand before——A. I think stated that before, that he said, "There would be more coming t me later on."

Judge HANECY. That is all.

Senator BURROWS. That is all. You can stand aside. Will yo need this witness any more, Mr. Austrian?

Mr. AUSTRIAN. No, sir.

Senator BURROWS. You may be excused from further attendance.

The WITNESS. Thank you.

Senator BURROWS. Do you want Mr. Shurtleff now?

Judge HANECY. The committee said they wanted him.

Senator BURROWS. Call Mr. Shurtleff. Do you want John Griffin

Judge HANECY. No.

Senator BURROWS. Mr. Austrian, do you want John Griffin any longer?

Mr. AUSTRIAN. No, Mr. Chairman.

EDWARD SHURTLEFF, called as a witness herein, having been first duly sworn by Senator Burrows, was examined by Judge Hanecy, and testified as follows:

Q. What is your full name?—A. Edward Shurtleff.

Q. What is your profession or occupation?—A. I am an attorney at law.

Q. Are you connected with any other business enterprise, Mr. Shurtleff?—A. I have other business interests; yes, sir.

Q. And have had for some years?—A. Yes, sir.

Q. Where is your home?—A. Maringo.

Q. Illinois?—A. The State of Illinois.

Q. How large a place is Maringo?—A. About 2,500 people.

Q. That is in——A. McHenry County.

Q. McHenry County?—A. Yes.

Q. Have you an office in Chicago, where you sometimes come and practice here?—A. I have an office in Chicago; yes, sir.

Q. You were speaker of the last house of representatives of Illinois—the present house, if there is an extra session?—A. Yes, sir.

Q. Were you speaker before that time?—A. Twice before that time.

Q. You are a Republican?—A. Yes, sir.

Q. You were elected as speaker, first, when?—A. In the session of 1905.

Q. And you were elected by the Republican majority of the house?—A. Yes, sir.

Q. When were you elected again?—A. The session of 1907.

Q. At that time you were elected by both Republican and Democratic votes, were you?—A. 1907; well, sir, I think I was elected by the Republicans in 1907.

Q. That is right. You were elected the second time by the Republican votes alone?—A. Yes, sir.

Q. The third time——A. 1909.

Q. That time you were elected by both Democratic and Republican votes, weren't you?—A. Yes, sir.

Q. How many Democrats voted for you?—A. I think all but two.

Q. All but two?—A. Possibly three, but my recollection is two.

Judge HANECY. How long have you been a member of the legislature, Mr. Shurtleff?—A. Since 1901.

Q. Continuously?—A. Yes, sir.

Q. In what congressional district do you live—what I mean is, is your senatorial district in former Senator Hopkins's former congressional district?—A. I live in the Eleventh Congressional District, which was Senator Hopkins's former congressional district; my county is in that district.

Q. That is what I mean.—A. Other parts of my senatorial district are not, however.

Q. Some counties are in other districts?—A. Yes, sir.

Q. You were speaker of the house of representatives of Illinois at the time that William Lorimer was elected United States Senator, were you?—A. I was.

Q. Did anybody ever give you any money, or other thing of value, at any time or place, to aid in any way in the election of William Lorimer as United States Senator?—A. They never did; no, sir.

Q. Did you ever give any money or other thing of value, directly or indirectly, to anybody, to induce any member of the legislature, or any member of the joint session, to vote for William Lorimer for United States Senator?—A. I never did.

Judge HANECY. Did you ever give any money or other thing of value, directly or indirectly, to anybody, to induce any member of the legislature, any member of the joint session, to vote for William Lorimer for United States Senator?—A. I never did.

Q. Did you ever give any money, or other thing of value, to anybody, any member of the joint session, or anybody else, because any member of the joint session had voted for William Lorimer for United States Senator?—A. I never did.

Q. Did you ever make any promises on behalf of Senator Lorimer, or on behalf of yourself, or patronage or any other favors or considerations to induce any member of the joint session to vote for William Lorimer for United States Senator?—A. I have no recollection of anything of that sort.

Q. Well, you would know it if there was anything of that kind?—A. I never made any promise of any kind to anybody or anything.

Q. Did you authorize anybody to make promises for you or for William Lorimer that they would be paid or would receive any money or other thing of value if they did vote for William Lorimer, or because they had voted for William Lorimer for United States Senator?—A. I never did; no, sir.

Judge HANECY. I think that is all, Mr. Chairman, that anyone can suggest in strong terms.

Senator BURROWS. Do you wish to cross-examine, Mr. Austrian?

Examination by Mr. AUSTRIAN:

Mr. AUSTRIAN. Will you read the last question of Judge Hanecy, please?

(Question read.)

Q. You do not want this committee to understand, Mr. Shurtleff, do you, that you testify that no one authorized anyone to offer any money or promise or reward, or patronage, or anything else to members of the house if they voted for Mr. Lorimer?—A. I would like to hear that question read.

Senator BURROWS. The question will be read.

(Question read.)

A. I mean the previous question.

(Last question of Judge Hanecy read.)

Senator GAMBLE. What is the answer?

(Answer read.)

A. I think the answer stands to the question; that I did answer.

Mr. AUSTRIAN. Read my question.

(Question read.)

Mr. AUSTRIAN. Strike out my question.

Q. Mr. Shurtleff, you do not pretend, or want anyone to understand that you pretend and know everyone who had or might have had any money for the election of United State's Senator, do you?—A. I do not know anything about it; that is out of my knowledge so far as I am concerned.

Q. You were only talking about yourself?—A. I was only talking about myself.

Q. You do not know what Mr. Lorimer did, do you, sir?—A. I do not; no, sir.

Q. You do not know what any other man did outside of your presence, do you?—A. I could not know that.

Q. And in answer to the question, the last question put to you by Judge Hanecy, all you wanted this committee to understand was that you did not pay any money and you did not get any money and you did not make any promises of patronage or money or anything else, or authorize anyone to do it on behalf of yourself in the election of United States Senator; is that correct?—A. That is practically correct.

Q. Well, that is correct, isn't it, sir?—A. I think so.

Mr. AUSTRIAN. Just a moment. That is all at this time, Mr. Chairman.

Judge HANECY. There is one thing I forgot to ask. May I go on and ask a question?

Senator BURROWS. Yes.

Judge HANECY. Mr. Shurtleff, you are very familiar with the members of the joint session of the present—of the forty-sixth—general assembly, aren't you?—A. Of the house members?

Q. Yes. Well, you know the affiliations as between Democrats and Republicans, too, don't you?—A. In a general way, I think so; I am not so certain of the senate.

Q. Will you look at this list I hand you of the names and affiliations of the Democratic and Republican members, and see whether or not——

Senator BURROWS. Is that the membership of the house?

Judge HANECY. Of the entire house, Democratic and Republican. You know whether a certain Democrat or Republican——

Mr. AUSTRIAN. I object; that is in the house journal and in the senate journal, whether a man is a Republican or a Democrat. Now, I object to having this witness put his construction upon what is a matter of record in this State.

Judge HANECY. I am not asking him to change that in any particular. We were asked to agree upon the affiliations of the members of the joint assembly.

Senator PAYNTER. Do you want to tell me that you and Mr. Austrian do not agree upon that question?

Judge HANECY. We never came together.

Mr. AUSTRIAN. I handed counsel a list——

Senator PAYNTER. I would like to know whether counsel can agree upon that question.

Mr. AUSTRIAN. I handed you a copy of the Republicans and Democrats in this State—a list.

Senator GAMBLE. It is just as well for the attorneys to discuss this matter outside of the committee, and the committee insists that such an agreement should be reached without taking the time of the committee.

Mr. AUSTRIAN. I handed counsel a list ten days ago of the Republicans and Democrats in the house and the senate.

Senator GAMBLE. Possibly I may be impatient, but it seems to me the record has been all too much.

Mr. AUSTRIAN. I agree with you.

Senator GAMBLE. Crowded full with side remarks by the attorneys in the case.

Senator PAYNTER. I do not think you are impatient, Senator Gamble.

Senator BURROWS. Mr. Austrian, this list is prepared and said to be a correct representation of the political affiliations of the membership of the houses. Will you look at it and see?

Mr. AUSTRIAN. I handed counsel a list ten days ago.

Senator BURROWS. Will you look at this?

Mr. AUSTRIAN. I would not know, Mr. Chairman.

Judge HANECY. Mr. Chairman, I don't know; that is one reason why, I suppose, neither of us had gotten together. I would have to appeal to some men like Speaker Shurtleff, and there are not more than two or three men—very few—that know.

Mr. AUSTRIAN. That is correct. That is right here, certified to by the secretary of state; all he would have to do is to put it right here in this book, the names of the Republicans and Democrats and where they reside.

Senator FRAZIER. We settled this question some time ago, if I recall correctly, and this controversy has been *ad nauseam*. This committee decided it would take the journal, the official journal, to determine that question, and have the official journal made a part of the record.

Senator PAYNTER. It seems to me to be in this book. I think the committee has made it a part of the record. We will do so.

Senator FRAZIER. It was made a part.

Judge HANECY. I have insisted all the time that the journal should go in, but I have asked some of the witnesses here the alignment, the affiliations of different factions in the house, and they have told—one of the witnesses told all of the Tippet Democrats who voted for William Lorimer and somebody attempted to tell the Browne Democrats who voted for Lorimer. There was a good deal there indicated that none but the Browne Democrats had voted for Lorimer. I found by one witness on cross-examination that 16 of the Tippet Democrats, including Tippet himself, the other leader of the Democratic faction, voted for Lorimer. Now, then, I proved that there was a faction, the Northwest, known as the Fieldstack, the Troyer faction; and then there was the Shurtleff faction, the Deneen faction, the Lorimer faction, and I want the record to show the condition so that this honorable committee may know what the conditions were as they existed there, not merely the membership of the house, of the generic faction—the generic division or the division by generic terms of Democrats and Republicans—but the subdivisions in both. Now, it seems to me that every judicial tribunal should have before them in some way the conditions as they existed there at the time that the transaction took place. There is not any sinister purpose in this. There is no purpose except to give this honorable committee the conditions as they existed there with all their discordant elements. I do not care about the discordancy.

Senator PAYNTER. Could you not now, to save time—could you not ask some witness the names of the Tippet faction that voted for Mr. Lorimer, and let the committee take this journal and tear these leaves out and have the official stenographer copy them as part of this record?

Judge HANECY. There are several other factions, Senator Paynter, and that is what I want to show.

Senator PAYNTER. This list shows the factions.

Mr. AUSTRIAN. I want the affiliations.

Senator PAYNTER. I understand you want to prove the affiliations of all these various people that are here. If you will select the Tippet faction that voted for Senator Lorimer—you and Mr. Austrian do not seem to get along.

Judge HANECY. I do not know, and I do not think Mr. Austrian would know any affiliations. There is nobody that knows the affiliations better than the speaker of the house. I thought that was the quickest way—I thought that was the speediest way to dispose of it, to let him take that; and if he says that is correct, then hand it over to Mr. Austrian; and if he sees any incorrections there, they may be corrected. I thought maybe to put it in evidence here, either as evidence or any other way that may be agreed upon when they come to deliberate on this entire record. It may be quite important to the members of this honorable committee or the larger body to know.

Senator PAYNTER. Well, will this show who constituted the Tippet faction?

Judge HANECY. Yes; Mr. Chairman. It gives the roll call of the house alphabetically, as it was called, and then opposite the names of each one the faction that he belonged to, every one of them; gives the Democrats and Republicans, and gives the total number in the house, of Republicans, and the total number of Democrats; and that has been a question asked me several times, how many Democrats there were in the house. That list shows there were 66 or 68.

Senator PAYNTER. Now, we will have the list of membership. Why don't you do it by simply asking him if he knows who constituted the Tippet faction? Then this record will show how they voted.

Judge HANECY. I want to show the other factions, too, Senator Paynter, and that is the shortest and quickest way of doing it.

Mr. AUSTRIAN. I never had a paper submitted to me showing the various factions. September 20 I submitted to Judge Hanecy a compilation showing the various members of these two bodies. He objected to it, and the Chair sustained his objection. Now, I object to this, and I ask that the Chair make the same ruling he made against me on the 20th day of September.

Judge HANECY. I will submit this so the committee may turn it over to Mr. Austrian or anybody after Mr. Shurtleff has testified.

Mr. AUSTRIAN. I desire to ask counsel a question. Was there one thing in the compilation which I handed you on the 20th of September which was not correct or accurate?

Judge HANECY. Your list did not contain all the information that I want in this record, and that assuming that this committee may want it.

Mr. AUSTRIAN. I submit to let the witness testify. We will pass upon the questions when we get to them.

Senator BURROWS. The committee desires to say just a word with the permission of counsel. The official journal, the proceedings of the house of representatives of the forty-sixth general assembly of the State of Illinois, shows at pages 5, 6—pages 3, 4, 5, and 6—the

names of the members of the house of representatives with their political affiliations, commencing with Alexander Lane, giving the residence of each member and his county and the party to which he belonged. The committee desire to have that go into the record.

Mr. AUSTRIAN. And the same for the senate, Mr. Chairman. That is in this book on this side.

Senator BURROWS. Yes.

Mr. AUSTRIAN. I do not think, Mr. Chairman, that there has been any formal offer of the journal, although this honorable committee has suggested——

Senator BURROWS. Well, we will ask to have this go in the record.

Judge HANECY. This committee has asked several—well, I will make a formal offer of all of the proceedings of the house and senate in the election of United States Senator on joint session from the first day to the concluding. I make that formal offer, Mr. Chairman, of the house journal of each day's session, the vote as shown by the journals of the house and senate for United States Senator from the beginning——

Senator BURROWS. The proceedings in the joint assembly for the election of Senator from the first to the close.

Judge HANECY. Yes, Mr. Chairman, in addition to the lists of the members.

Senator BURROWS. Well, that will be admitted.

Senator PAYNTER. Judge Hanecy, could not it be agreed here between you and Mr. Austrian that 35 of the Democrats, or 37, as the case may be, of the Browne faction, voted for William Lorimer, and the balance of the Democrats belonged to the Tippet faction, the so-called Tippet faction. I say the balance of these voted for Mr. Lorimer; not all of them, but enough to make 53 or 55.

Judge HANECY. Not all the Browne Democrats voted for Senator Lorimer.

Mr. AUSTRIAN. Thirty of the Browne Democrats voted for Senator Lorimer, and the balance of the Democrats who voted for Senator Lorimer out of the house were of the Tippet faction.

Judge HANECY. No; there were 25.

Mr. AUSTRIAN. Ask the witness; that is the point.

Senator FRAZIER. Mr. Chairman, this controversy between counsel, we can not take their statement. I will not.

Senator BURROWS Wait just a moment. The lists of the membership of the house, with the political affiliations of each member of the senate, also a list of the senators, together with their affiliations, the committee desire to have that also inserted in the record. Just the lists.

(Which said lists last above referred to, consisting of four sheets, so offered and received in evidence, were marked "Exhibit 1–aa. K. F. L., 10–8–10," and "Exhibit 1–bb. K. F. L., 10–8–10," and the same are in the words and figures following, to wit:)

[Exhibit 1–aa. K. F. L., 10–8–'10.]

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE FORTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS.

WEDNESDAY, JANUARY 6, 1909.

At a regular session of the forty-sixth general assembly of the State of Illinois, begun and holden at the Capitol in the city of Springfield at 12 o'clock noon on

the Wednesday next after the first Monday in January, the same being the 6th day of January, in the year of our Lord 1909, pursuant to the provisions of section 9, article 4, of the constitution of the State of Illinois.

The Hon. James A. Rose, secretary of state, called the house to order and presided over its deliberations until the election of a temporary presiding officer, as provided by the constitution.

Prayer was offered by the Rev. Mr. T. D. Logan.

The secretary of state designated B. H. McCann and J. H. Hogan as provisional clerks pending the temporary organization of the house, and directed Mr. McCann to call the roll of representatives-elect of the forty-sixth general assembly, compiled as follows from the official returns on file in the office of the secretary of state:

District.	Name.	Address.	County.	Party.
1	Alexander Lane	1937 Archer avenue, Chicago	Cook	Republican.
	Francis P. Brady	1311 Michigan avenue, Chicago	do	Do.
	John Griffin	381 State street, Chicago	do	Democrat.
2	Paul I. Zaabel	815 West Taylor street, Chicago	do	Republican.
	Frank J. McNichols	520 South Winchester avenue, Chicago.	do	Do.
	Geo. L. McConnell	408 Ashland boulevard, Chicago.	do	Democrat.
3	Oliver Sollitt	4020 Prairie avenue, Chicago	do	Republican.
	Charles Lederer	903 Chamber of Commerce, Chicago.	do	Do.
	John P. Walsh	728 Thirty-first street, Chicago	do	Democrat.
4	Emil O. Kowalski	150 West Forty-fourth street, Chicago.	do	Republican.
	William Murphy	4358 Shields avenue, Chicago	do	Democrat.
	George C. Hilton	5457 South Ashland avenue, Chicago.	do	Do.
5	Morton Denison Hull	181 LaSalle street, Chicago	do	Republican.
	Wm. Tudor Ap Madoc	5023 Grand boulevard, Chicago	do	Do.
	Charles Naylor	4909 Wabash avenue, Chicago	do	Democrat.
6	William F. Zipf	1272 Lyman avenue, Chicago	do	Republican.
	Richard P. Hagan	2466 North Paulina street, Chicago.	do	Do.
	Robert E. Wilson	1180 Perry street, Chicago	do	Democrat.
7	Wm. H. Maclean	Wilmette	do	Republican.
	Louis J. Pierson	do	do	Do.
	Walter A. Lantz	La Grange	do	Democrat.
8	A. K. Stearns	Waukegan	Lake	Republican.
	Edward D. Shurtleff	Marengo	McHenry	Do.
	Thomas F. Burns	Belvidere	Boone	Democrat.
9	David E. Shanahan	185 Dearborn street, Chicago	Cook	Republican
	Edward J. Murphy	850 Thirty-fifth street, Chicago	do	Democrat.
	Anton J. Cermak	1243 South Trumbull avenue, Chicago.	do	Do.
10	Johnson Lawrence	Polo	Ogle	Republican.
	Earl D. Reynolds	Rockford	Winnebago	Do.
	James H. Corcoran	do	do	Democrat.
11	Henry D. Fulton	334 West Sixty-second street, Chicago.	Cook	Republican.
	Chester W. Church	145 Lasalle street, Chicago	do	Do.
	James J. O'Toole	6536 Marshfield avenue, Chicago	do	Democrat.
12	Stephen Rigney	Red Oak	Stephenson	Republican
	William W. Gillespie	Savanna	Carroll	Do.
	Martin J. Dillon	Galena	Jo Daviess	Democrat.
13	Benton F. Kleeman	11417 Michigan avenue, Chicago	Cook	Republican
	Cornelius J. Ton	10752 Lafayette avenue, Chicago	do	Do.
	John J. Poulton	9131 Exchange avenue, Chicago	do	Democrat.
14	Arwin E. Price	Elgin	Kane	Republican
	Frank W. Shepherd	do	do	Do.
	George W. Alschuler	Aurora	do	Democrat.
15	Thomas Curran	682 South Center avenue, Chicago	Cook	Republican
	John O. Hruby, jr	589 South Center avenue, Chicago	do	Democrat.
	Edward J. Frost	701 West Nineteenth street, Chicago.	do	Do.
16	Josiah Kerrick	Minonk	Woodford	Republican.
	Harrison T. Ireland	Washburn	Marshall	Do.
	Michael Fahy	Toluca	do	Democrat.
17	Edward J. Smejkal	720 Reaper block, Chicago	Cook	Republican.
	Emanuel A. Abrahams	322 West Twelfth street, Chicago	do	Democrat.
	Peter F. Galligan	242 South Morgan street, Chicago.	do	Do.
18	Charles F. Black	Mapleton	Peoria	Republican.
	Lucas Isaac Butts	Peoria	do	Do.
	Thomas N. Gorman	do	do	Democrat.
19	James M. Kittleman	Berwyn	Cook	Republican.
	Charles A. Schumacher	2092 West Twenty-sixth street, Chicago.	do	Do.
	John J. McLaughlin	145 Lasalle street, Chicago	do	Democrat.

District.	Name.	Address.	County.	Party.
20	Israel Dudgeon	Morris	Grundy	Republican.
	George H. Hamilton	Watseka	Iriquois	Do.
	J. W. Allison	Essex	Kankakee	Democrat.
21	Wm. H. Troyer	Chicago	Cook	Republican.
	Frederick E. Erickson	....do	....do	Do.
	Thomas J. O'Brien	....do	....do	Democrat.
22	William P. Holladay	Danville	Vermilion	Republican.
	J. Russ Grace	Chrisman	Edgar	Do.
	Geo. W. Myers	Paris	....do	Democrat.
23	Christopher Beck	Chicago	Cook	Republican.
	Charles Richter	....do	....do	Do.
	Patrick F. Murray	....do	....do	Democrat.
24	Charles Adkins	Bement	Platte	Republican.
	Homer E. Shaw	....do	....do	Democrat.
25	Lewis Hutzler	Chicago	Cook	Republican.
	Chas. L. Fieldstack	Irving Park	....do	Do.
	Frank J. Wilson	Chicago	....do	Democrat.
26	John A. Montelius	Piper City	Ford	Republican.
	Wm. H. Wright	McLean	McLean	Do.
	Daniel D. Donahue	Bloomington	....do	Democrat.
27	Albert Glade	Chicago	Cook	Republican.
	John O'Neil	....do	....do	Democrat.
	Jos. S. Geshkewich	....do	....do	Do.
28	Edwin C. Perkins	Lincoln	Logan	Republican.
	John R. Robinson	Farmer City	Dewitt	Do.
29	Edward Hope	Chicago	Cook	Do.
	Charles A. Nelson	....do	....do	Do.
	Patrick J. Sullivan	....do	....do	Democrat.
30	Louis Ginger	Pekin	Tazewell	Republican.
	A. M. Foster	Rushville	Schuyler	Democrat.
	Wm. M. Groves	Petersburg	Menard	Do.
31	Mathew Mills	Chicago	Cook	Republican.
	Charles E. Erby	....do	....do	Do.
	John C. Werdell	....do	....do	Democrat.
32	Henry Terrill	Colchester	McDonough	Republican.
	Henry L. Jewell	Monmouth	Warren	Do.
	John Huston	Bladensville	McDonough	Democrat.
33	Thomas Campbell	Rock Island	Rock Island	Republican.
	Frank E. Abbey	Riggsville	Henderson	Do.
	Henry L. Wheelan	Rock Island	Rock Island	Democrat.
34	Carl S. Burgett	Newman	Douglas	Republican.
	William T. Hollinbeck	Marshall	Clark	Do.
	Polk B. Briscoe	Westfield	....do	Democrat.
35	John H. Gray	Morrison	Whiteside	Republican.
	Adams Collins Cliffe	Sycamore	Dekalb	Do.
	William A. Kannally	Sterling	Whiteside	Democrat.
36	George H. Wilson	Quincy	Adams	Republican.
	Charles E. Bolin	Milton	Pike	Democrat.
	Jacob Groves	Camp Point	Adams	Do.
37	Francis J. Liggett	Bradford	Stark	Republican.
	Clayton C. Pervier	Sheffield	Bureau	Do.
	William J. McGuire	Kewanee	Henry	Democrat.
38	William H. Behrens	Carlinville	Macoupin	Republican.
	Louis P. Daley	....do	....do	Democrat.
	Henry S. Shaphard	Jerseyville	Jersey	Do.
39	Wm. M. Scanlan	Peru	Lasalle	Republican.
	William R. Lewis	Grand Ridge	....do	Do.
	Lee O'Neill Browne	Ottawa	Shelby	Do.
40	Dell D. Browneback	Couden	Christian	Democrat.
	John C. Richardson	Edinburg	....do	Do.
	Joseph S. Clark	Vandalia	Fayette	Do.
41	Guy L. Bush	Downers Grove	De Page	Republican.
	Frank L. Parker	Joliet	Will	Do.
	Thomas H. Riley	....do	....do	Do.
42	Charles L. McMackin	Salem	Marion	Do.
	H. J. C. Beckemeyer	Carlyle	Clinton	Democrat.
	Harvey D. McCollum	Louisville	Clay	Do.
43	Burnette M. Chipperfield	Canton	Fulton	Republican.
	Edward J. King	Galesburg	Knox	Do.
	J. H. De Wolf	Canton	Fulton	Democrat.
44	Wm. Stevenson	Tilden	Randolph	Republican.
	James M. Etherton	Carbondale	Jackson	Democrat.
	Charles Sumner Luke	Nashville	Washington	Do.
45	Thomas E. Lyon	Springfield	Sangamon	Republican.
	Harry W. Wilon	....do	....do	Do.
	James S. Morris	....do	....do	Do.
46	George B. Welborn	Woodlawn	Jefferson	Do.
	Wm. C. Blair	Mount Vernon	....do	Democrat.
	Thomas Tippit	Olney	Richland	Do.
47	J. C. Bardill	Highland	Madison	Republican.
	Norman G. Flagg	Moro	....do	Do.
	Michael S. Link	Mitchell	....do	Do.
48	John A. Logan	Junction	Galatin	Do.
	Wm. E. Finley	Bridgeport	Lawrence	Democrat.
	Charles L. Scott	Grayville	Edwards	Do.

Dis-trict.	Name.	Address.	County.	Party.
49	Fred Keck	Belleville	St. Clair	Republican.
	John L. Flannigen	East St. Louis	do	Do.
	Charles A. White	O'Fallon	do	Democrat.
50	R. D. Kirkpatrick	Benton	Franklin	Republican.
	James W. Crawford	do	do	Do.
	Sidney B. Espy	do	do	Democrat.
51	Lewis E. York	Harrisburg	Saline	Republican.
	Charles F. Durfee	Golconda	Pope	Do.
	George W. English	Vienna	Johnson	Democrat.

ABSENT.

24	Joseph Carter	Champaign	Champaign	Republican.
28	Byron F. Staymates	Clinton	De Witte	Democrat.

[Exhibit 1—BB. K. F. L. 10/8/10.]

[Journal of the senate of the forty-sixth general assembly of the State of Illinois. Wednesday, January 6, 1909.]

At a session of the general assembly of the State of Illinois, begun and held in the city of Springfield on Wednesday, the 6th day of January, in the year of our Lord 1909, being the Wednesday after the first Monday in January, it being the first session of the forty-sixth general assembly, Hon. Lawrence Y. Sherman, lieutenant-governor and president of the Senate, appeared at 12 o'clock m. and called the senate to order.

Prayer by the Rev. G. W. Dungan.

Mr. Jones offered the following resolution, which was adopted:

SENATE RESOLUTION No. 1.

Resolved, That the following persons are hereby declared elected temporary officers of the senate: Secretary, James H. Paddock; sergeant-at-arms, Joseph Figueria.

By direction of the president of the senate the roll of the senators holding over was called, when the following answered to their names:

Dis-trict.	Name.	Politics.	Post-office.	County.
1	Chas. L. Billings	Republican	Chicago	Cook.
3	Samuel A. Ettelson	do	do	Do.
5	Walter Clyde Jones	do	do	Do.
7	John Humphrey	do	Orland	Do.
9	Edward J. Rainey	Democrat	Chicago	Do.
11	Carl Lundberg	Republican	do	Do.
13	Albert C. Clark	do	do	Do.
15	Cyril J. Jandus	Democrat	do	Do.
17	Edward J. Glackin	do	do	Do.
19	Charles E. Cruikshank	Republican	do	Do.
23	Neils Juul	do	do	Do.
25	Herman H. Breidt	do	do	Do.
27	John Broderick	Democrat	do	Do.
29	Harry G. Hall	Republican	do	Do.
31	Frank P. Schmidt	do	do	Do.
33	Frank Arton Landee	do	Moline	Rock Island.
37	B. Frank Baker	do	Kewanee	Henry.
39	C. P. Gardner	do	Mendota	La Salle.
41	Richard J. Barr	do	Joliet	Will.
43	Charles F. Hurburgh	do	Galesburg	Knox.
45	Logan Hay	do	Springfield	Sangamon.
47	George M. McCormick	do	Collinsville	Madison.
49	Robert S. Hamilton	do	Marissa	St. Clair.
51	Douglas W. Helm	do	Metropolis	Massac.

The president of the senate announced that all of the senators holding over had answered to their names.

Mr. Billings offered the following resolution, which was adopted:

SENATE RESOLUTION No. 2.

Resolved, That a committee of three senators be appointed by the president of the senate to wait upon the judges of the supreme court and inform them that the presence of one of their number is desired in the senate chamber for the purpose of administering the oath of office to the senators-elect.

The president of the senate appointed as the committee to wait upon the judges of the supreme court Senators Billings, Breidt, and Broderick.

The roll of the senators-elect was then called, when the following answered to their names:

District.	Name.	Politics.	Post-office.	County.
2	Lewis C. Ball	Republican	Chicago	Cook.
6	William M. Brown	do	do	Do.
8	Albert J. Olson	do	Woodstock	McHenry.
10	Henry Andrus	do	Rockford	Winnebago.
12	John C. McKenzie	do	Elizabeth	Jo Daviess.
14	Thomas B. Stewart	do	Aurora	Kane.
16	Ira M. Lish	do	Saunemin	Livingston.
18	John Dailey	do	Peoria	Peoria.
20	Edward C. Curtiss	do	Grant Park	Kankakee.
21	William H. Dellenbeck (to fill vacancy)	do	Danville	Vermilion.
24	Henry M. Dunlap	do	Savoy	Champaign.
26	Frank H. Funk	do	Bloomington	McLean.
28	James A. Henson	do	Decatur	Macon.
30	Walter I. Manny	Democrat	Mount Sterling	Brown.
32	James F. Gibson	do	Carthage	Hancock.
34	Stanton C. Pemberton	Republican	Oakland	Coles.
35	B. F. Downing (to fill vacancy)	do	Dixon	Lee.
36	Campbell S. Hearn	Democrat	Quincy	Adams.
38	Frank W. Burton	do	Carlinville	Macoupin.
40	J. Jeff Tossey	do	Toledo	Cumberland.
42	D. W. Holstlaw	do	Iuka	Marion.
44	Robert J. McElvain	Republican	Murphysboro	Jackson.
46	Albert E. Isley	Democrat	Newton	Jasper.
48	J. A. Womack	do	Karbers Ridge	Hardin.
50	W. O. Potter	Republican	Marion	Williamson.

The president of the senate announced that all the senators-elect had answered to their names, except Al. F. Gorman, of the fourth senatorial district, who would appear later and subscribe to the oath of office.

By Judge HANECY:

Q. Mr. Shurtleff, how many of the Tippet Democrats voted for Senator Lorimer?—A. I could not say now without consulting the record.

Q. Well, could you by looking at that list?—A. I could not tell for a certainty.

Q. Could you after you examined that?—A. No; I could not as to who voted for Senator Lorimer without consulting the record at the same time.

Q. Can you tell how many of the Browne faction voted for William Lorimer for United States Senator?

Mr. AUSTRIAN. Mr. Browne testified 30, and we make no point on it.

Judge HANECY. Very well.

Senator PAYNTER. I do not think that he testified; I think he assured, he was assured it would be 30.

Judge HANECY. I do not know what he did say.

Mr. AUSTRIAN. Senator Paynter. he gave the names, and there were only 25, and then you said White——

Senator PAYNTER. The names of the parties he had on the list.

Judge HANECY. What other factions were there in either party in the house, Mr. Shurtleff, at that time?—A. On the Democratic

side there was the Browne faction and the Tippet faction, which included all of the Democrats in the house, so far as I know, with possibly one or two exceptions.

Q. That one or two of the Democrats in the house were aligned or affiliated with either the Browne or Tippet faction?—A. I say that I would not be able to say which side they were affiliated with.

Q. What other factions were there in the house?—A. The Republican side.

Q. On the Republican side?—A. It was divided into factions.

Q. Name the factions.—A. Well, my friends who voted for me as speaker.

Q. Known as the Shurtleff faction?—A. The Shurtleff crowd. And there was what was called the "band of hope" that voted a combination for five or six different candidates for speaker.

Q. And then there were some called the Deneen faction, were there?—A. They were known as Deneen men in a way; mainly called themselves "the band of hope."

Senator GAMBLE. How many members would you say in the band of hope?—A. I think there were 54 or 55.

Judge HANECY. How many were there of the Shurtleff faction?—A. Well, I think actually that voted for me on the Republican side, I believe, 24. I would have to look at the record to be absolutely certain on that.

Q. What other factions were there?—A. Then, what is called the Northwest Side.

Q. What did they—what were they designated as?—A. They were Troyer men that supported Mr. Troyer for speaker. It seems to me one or two voted for Mr. Cleaman.

Q. They were Republicans?—A. They were Republicans; yes.

Q. What other faction was there?—A. That was all the factions I could say on the speakership question.

Q. On the senatorship or any other?—A. There was the Hopkins faction and the anti-Hopkins faction. Mr. Foss had a following in the house.

Q. And who else, Mr. Mason or Mr. Webster?—A. Mason—Mr. Mason had a few votes.

Q. Did Mr. Webster have any?—A. I do not remember that he did.

Q. Well, now, have you named all the different factions in the house?—A. On those two subjects; yes, sir.

Q. Have you looked at that list there to see whether that correctly designates the affiliations of the different members of the house, Democratic and Republican?—A. I have not looked through the Republican list. I see there are a few that are classed as Lorimer men and some classed as Shurtleff men. That would probably be correct as to the different propositions, and possibly not correct as to the one same proposition.

Q. Well, I am not asking now as to the speakership alignment, but on the senatorship. The record showed how they lined up on the senatorship—the journal admitted in evidence; it does not show the faction they belonged to. I am speaking now of the senatorship.—A. Well, Mr. Ap Madoc is classed as a Deneen man. Mr. Ap Madoc voted for Foss through the senatorial fight till the last ballot.

Q. Then who did he vote for?—A. He voted for Senator Lorimer. Now, Mr. Beck is listed as a Troyer man. Of course, that is on the speakership.

Q. Was Ap Madoc one of the Band of Hope?—A. Yes, sir.

Q. And they were all classed as Deneen men, weren't they?—A. Yes, sir; they were.

Q. Will you tell what other men voted for William Lorimer on the last ballot?—A. Mr. Black voted for him, Mr. Brownback, Mr. Burggett, Mr. Butts, Mr. Church, Mr. Erby, Mr. Flanagan—there is one name, Higgin, I think that is a misprint; I do not recall the name.

Q. Is that Hagan?—A. Hagan.

Q. Is that the Higgins here?—A. No; that would probably be Hagan, on the North Side. I do not remember whether Mr. Cowalski voted for him or not; Mr. Lawrence, Mr. Logan, Mr. MacLean, Mr. McMackin, Mr. Pierson, Mr. Price, Mr. Solitt, and Mr. York are the house members. They were classed as the Deneen men who voted for Mr. Lorimer, to the best of my recollection.

Q. What members of the Troyer faction voted for William Lorimer for United States Senator?—A. Mr. Beck, Mr. Erickson, Mr. Fieldstack; I think that is all.

Q. Did Mr. Hutzler vote for him?—A. I believe not; I do not think so.

Q. Did Mr. Richter?—A. I think not.

Q. What members of the Shurtleff faction voted for Senator Lorimer for United States Senator? What about Troyer; did Troyer vote for William Lorimer?—A. I think he did; yes, sir.

Q. He was the man after whom the faction was named. What members of the Shurtleff faction voted for William Lorimer?—A. My recollection is that all of them: Mr. Bush did, Mr. Chipperfield, Mr. Crawford, Mr. Dudgeon, Mr. Curran; Mr. Erby, listed as a Shurtleff man, voted for me for speaker, but did not vote for Mr. Lorimer; Mr. Gillespie voted for Senator Lorimer; Mr. Nelson, listed as a Shurtleff man here, who voted for me for speaker, I think, did not vote for Senator Lorimer; Mr. Parker voted for Senator Lorimer, Mr. Smejkal, Mr. Stearns, Mr. Zinger, and I believe Mr. Zist.

Q. Did any of the Hopkins faction vote for William Lorimer for United States Senator?—A. Why, a considerable number of men who had voted for Mr. Hopkins voted for Senator Lorimer.

Q. Well, I think you said there were 54 of the Hopkins faction?—A. That was the Band of Hope.

Q. That was the Band of Hope?—A. So-called members of the house.

Judge HANECY. I think that is all, Mr. Chairman.

Mr. AUSTRIAN. Just a moment.

Judge HANECY. Have you told how many of the Deneen faction voted? I think you gave that. That is all.—A. I gave the list.

Senator HEYBURN. I desire to ask a question. When George W. Meyers, a member of the legislature, was on the stand he said that, pursuant to a suggestion made to him by Mr. Browne that he go to your desk and speak with you on the question about twenty minutes—about fifteen or twenty minutes—before the balloting was taken, and he says: "Well, he insisted upon me to go to see the speaker; that

was all, that was the end of our conversation," referring to the conversation between him and Browne, "as far as that was concerned."

Q. Did he state why he wanted you to see the speaker?—A. No, sir; he only said the speaker wanted to see me, and for me to go and see the speaker.
Q. Did you see the speaker?—A. Yes, sir.
Q. What conversation did you have with the speaker?

I have read that much to lead up to the conversation.

A. He was standing behind his desk and turned around and we shook hands—I think we shook hands—and he says: "We are going to put this over to-day." I would appreciate it if you could help us out or go with us; something to that effect.
Q. What did you reply?—A. I told him I could not.
Q. Did that terminate the conversation?—A. He said: "I should appreciate it very much if you could see your way clear to go with us." I told him I could not, and went back to my desk.

Did that occur?—A. I have no recollection of Mr. Meyers coming to my desk the day of the election.

Q. This was on the day of the election?—A. I do not think it was possible that he came to the desk on the day of the election after the balloting commenced for United States Senator.

Q. This was stated to be before the balloting commenced?—A. I have a recollection of Mr. Meyers coming to me at one time, and I could not say when it was, or where it was, and asking me about the subject of United States Senator and his vote, and as I recollect it, he asked my advice in regard to the matter. I would not say that I did not ask him to vote for Senator Lorimer, but my recollection of this matter, as it came up, is this: That I said to Mr. Meyers that I would vote for Senator Lorimer if the Democrats in my district would stand for it, if they would be satisfied with it, and if I thought they would not I would not vote for Senator Lorimer. I remember something of a conversation of that kind with Mr. Meyers somewhere, I can not tell where it was; I can not tell when it was. My recollection of it is that he came to me to ask in regard to the matter himself. I have no other recollection in regard to the matter.

Q. Do you think this conversation might have occurred as related by Mr. Meyers, substantially?—A. Well, I think we may have had a conversation.

Judge Hanecy. You mean, Senator Heyburn, so far as the conversation related to Meyers and the speaker, not so far as it related to Browne and Meyers?

Senator Heyburn. We are referring to only the conversation between them. I read a question or two before merely to direct the attention of the witness to the circumstances.

The Witness. I seem to have in my head that some time, somewhere, Mr. Meyers said something to me about United States Senatorship.

Senator Heyburn. Mr. Shurtleff, this is stated by the witness Meyers to have been fifteen or twenty minutes before the vote was taken, about fifteen or twenty minutes?—A. Well, I could not say; I could not remember.

Senator Heyburn. That is all.

Senator Burrows. For my information, when was the meeting for the—when was the first meeting for the general assembly for the election of Senator, the date?

Mr. AUSTRIAN. January 6.
Senator BURROWS. January 6, is it?
Mr. AUSTRIAN. Yes.
The WITNESS. January 6 was the convening of the legislature, I believe.
Mr. AUSTRIAN. Oh, yes; it was the 19th.
The WITNESS. The joint session was somewhere—the 22d, I would say it was the 23d.
Senator BURROWS. The 23d of January?—A. Somewhere along in there; I could not give the date.
Senator GAMBLE. The second Tuesday after the organization.
Senator BURROWS. I know when the organization was. I want to know the date of the meeting of the general assembly.
Senator PAYNTER. Of course, it would be after the first vote; it can be figured out.
Mr. AUSTRIAN. January 6 the legislature convened and the first separate balloting, I think was taken on the 19th, I am not sure, on January 19.
Senator BURROWS. I want the date when the balloting commenced.
Mr. AUSTRIAN. Yes, sir; I will give it to you.
Senator BURROWS. In the house and in the general assembly.
Mr. AUSTRIAN. That little pamphlet I gave you shows it all.
Senator BURROWS. I have not it here, Mr. Austrian. The two houses vote separately, of course. I want to know when the first vote was taken in the two houses and then the first vote in the general assembly.
Mr. AUSTRIAN. January 19 was the first one; that is, the separate houses.
Senator BURROWS. Yes.
Mr. AUSTRIAN. And the first joint session was on the 20th, January 20—Wednesday, January 20.
Senator BURROWS. Now, Mr. Austrian, have you compiled from the record of the proceedings of the separate houses and the general assembly all the votes—can you get it from that record so as to put it in one body?
Mr. AUSTRIAN. You can get it from the record. I have not done so.
Judge HANECY. We will have these two leaves torn out, Mr. Chairman, if you wish, from the journals of the two houses.
Senator BURROWS. Yes. Take the journal of the two houses and take these leaves—all the portion of the journal which shows the vote.
Mr. AUSTRIAN. From 12 o'clock until the dissolution of the joint session?
Senator BURROWS. Yes; until the general assembly closed.
Mr. AUSTRIAN. Because, if you put everything in, you will have page upon page.
Judge HANECY. From the beginning to the close?
Senator BURROWS. From the beginning to the close.
Mr. AUSTRIAN. May I ask the witness a question?
Senator BURROWS. If you prepare that, we will be obliged to you.
Mr. AUSTRIAN. Mr. Shurtleff, you said you designated some men as Deneen men, some men as Shurtleff men, some men as Tippett men, some men as Browne men, and so forth. On the Republican side, the men designated by you as Deneen men or Shurtleff men, you simply

mean they followed—the Shurtleff men, for instance, followed you on certain propositions, certain legislative propositions; is that correct?—A. I speak practically upon the question of speakership.

Q. Speakership?—A. Yes, sir.

Q. After the vote on speakership was there a faction known as the Shurtleff faction?—A. Well, I suppose to some extent there was.

Q. That simply referred back to the men that voted for you as speaker?—A. In a general way it referred back; there were others that went through the session, of course, differently than other men.

Q. And there were many members of the Shurtleff faction who did not align themselves with the man you referred to a moment ago as actually Shurtleff men, all through the session; is that right?—A. Well, it split up on different questions.

Q. That is, you did not control them on the questions involved before the legislature, did you?—A. I did not.

Q. And Mr. Deneen did not control the so-called Deneen faction, on these questions, did he?—A. I do not think so; not all of them.

Q. Now, Mr. Shurtleff, Mr. Lorimer was elected on the 26th of May. You were present during the call of the joint session, were you not, at all times?—A. Yes, sir.

Q. On the roll call, how many votes—now I am talking of the roll call—how many votes for United States Senator did Mr. Lorimer get?—A. You mean on the first call of the roll?

Q. On the first call of the roll when men announced their votes.—A. I think there were 102 or 103; that is my best recollection.

Q. Yes. And 52 of these were Democrats and 51 were Republicans, were they not?—A. I could not say as to that.

Q. What is your best recollection?—A. I could not say as to that.

Q. Well, do you remember the four or five votes who. after the first roll call, changed their votes to Mr. Lorimer?—A. Yes; I remember a squabble over that.

Senator JOHNSTON. Were there two ballots for Senator?

Mr. AUSTRIAN. No, sir; only one.

Senator JOHNSTON. Only one.

Mr. AUSTRIAN. Who were they?—A. There was Senator Billings here in Chicago.

Q. Republican or Democrat?—A. Republican.

Q. Yes, sir.—A. I think Senator Ettleson.

Q. Republican or Democrat?—A. Republican.

Q. Those were the two in the senate, were they not?—A. They were both in the senate.

Q. Now, who in the house?—A. They made a commotion through the whole roll call, because they expected the election was not going to be until the second ballot.

Q. That was their understanding?—A. That is the way it came to me.

Q. And word was sent to you by the speaker of the senate, was it not, to permit them to change their votes?—A. Yes, sir.

Q. And be enrolled for Mr. Lorimer—is that correct—after the roll call?—A. Yes, sir; I think there was——

Q. Ettleson and Billings?—A. I think there were 51 called.

Q. And they were all Republicans, were they not?—A. I think they were.

Q. Do you remember the two members of the house?—A. I could not say from recollection.

Q. Now, assuming they were all Republicans, as you say they were, and Mr. Lorimer, as the vote announced by you, received 108 votes then on the first roll call and only got 104, didn't he?—A. Well, he got 108 on the first call of the roll.

Q. That is, the first call of the roll, including Billings and Ettleson, the two Republicans in question. Is that correct?—A. Yes, sir.

Q. And after the vote of the four had been changed——A. Well, whatever there was changed—of course the roll is never called until called complete.

Q. And until announced by the speaker?—A. Until it is announced. There was a confusion over that proposition that started in before the roll had gone very far.

Q. As to those four Republicans?—A. As to certain ones; I would not say who now.

Q. But the roll call as completed and announced by you of 108 votes, that was correct, accurate in every respect, was it?—A. Well, I think the record shows so; I believed it to be at the time.

Judge HANECY. May I have that question read? I did not catch the first part of it.

(Question read.)

Mr. AUSTRIAN. Mr. Shurtleff, when Mr. Ettleson's name was called he voted for Mr. Hopkins. did he not?—A. That is my recollection, that the senate roll was called first.

Q. It was every day, was it?—A. Usually.

Q. It had been for weeks, prior to the 26th of May, hadn't it?—A. Well, it changed around occasionally, but most of the time, yes; I think so.

Q. And Ettleson announced his vote for Mr. Hopkins, did he not?—A. I say I think there was confusion over that; that is my recollection.

Q. And Mr. Billings announced his vote for Mr. Hopkins?—A. I think so.

Q. And the two members of the house, when their names were called, announced their vote for Mr. Hopkins, did they not?—A. Well, I could not say; I do not recollect as to the house. I do remember of Mr. Ettleson and Mr. Billings.

Q. And those are the only two there was any fusion about. Is that right?—A. I would not say there was not others there. Those are the only two names that occur to me at the present time. Just a moment; there was possibly one or two more, but I am not certain.

Senator BURROWS. Mr. Austrian, won't all this appear——

Mr. AUSTRIAN. In the record? No, sir.

Senator BURROWS. Who they voted for?

Mr. AUSTRIAN. No, sir; or how they voted. I mean this does not appear in the record. Of course we are bound by the record; there is no doubt about that.

Senator BURROWS. How each member voted, it will appear in the record, the final vote.

Mr. AUSTRIAN. The final vote, certainly. But the changes——

Senator BURROWS. I understand perfectly, and this is for the purpose of showing how they voted and how they changed.

Mr. AUSTRIAN. No; on the roll call that Mr. Lorimer was elected, as I understand it, there were 53 Democrats and 51 Republicans.

Senator BURROWS. Yes.

Mr. AUSTRIAN. Making 104 votes. My understanding of it is these 4 Republicans came over, including the 2 he had mentioned, and made 108. That is my understanding of it.

Senator BURROWS. Just to show it that way.

Mr. AUSTRIAN. That is all; yes.

Q. What had you ruled as speaker of the joint session as constituting a constitutional majority of the joint assembly?—A. I never was called upon to make a ruling upon that question as I recollect.

Q. Well, there was considerable discussion about that?—A. A great deal.

Q. And you had reached a conclusion as to what constituted a constitutional majority, had you not?—A. I can not say that I ever had.

Q. You always announced, and having failed to obtain a constitutional majority, I believe that was your ruling, Mr. Lorimer having received a constitutional majority, is that correct?—A. I think the ruling upon that——

Q. And upon that; oh, I beg your pardon.—A. That would be a constitutional majority, all other rulings followed.

Q. And the ruling followed was that the entire membership of both houses—— A. Yes; and they voted.

Q. The entire membership of both houses was 204, wasn't it?—A. 204, I believe there was.

Senator JOHNSTON. Let me ask you a question. Who presided at the joint session?—A. I did, the day of the election.

Q. Does the speaker preside?—A. Yes, sir.

Q. And does he announce the result?—A. Yes, sir.

Mr. AUSTRIAN. Two hundred and four was the membership of both houses?—A. Well, I think there were 203; I think there was one member that was dead at the time.

Q. But the full membership of both houses was 204?—A. Under the constitution there should be 204 in both houses.

Q. A constitutional majority, if the constitutional majority existed by the majority of both houses, would be 103 votes?

Judge HANECY. I object to that compound complex question.

Senator PAYNTER. Is this witness called upon to interpret the law for us?

Mr. AUSTRIAN. No; I am trying to get his ruling upon it.

Judge HANECY. He did not make any ruling upon it.

Senator PAYNTER. Let him state the facts. We are not bound by his notion. I won't be.—A. There was a great deal of question raised as to what would be the result if there were only 106 members present.

Mr. AUSTRIAN. No; that is not what I want at all. If that was the case Hopkins would have been elected. I want to know how you ruled with reference to constitutional majority of both houses, the number required?—A. Any ruling I made would be in the Journal.

Q. Those are the only rulings you did make?—A. I do not know how I could have made any outside; I may have made some on the street.

Q. There may be some that were not reported in the journal, Mr. Shurtleff.—A. I do not see how there could be.

Q. Did not you announce, as the chairman of the joint session, that the constitutional majority of both houses in joint assembly were 103 votes.—A. If I did in any legislative way, it would in my judgment appear——

Q. I am not asking what you did not announce. I am talking about the legislative way or the way that you call legislative. Did you announce, Mr. Shurtleff, that a constitutional majority of both houses in joint session would require 103 votes?—A. I might have expressed some such information?

Q. I mean in the presence of both houses of the general assembly.—A. I have no recollection of doing that.

Q. Well, that was your information, was it?—A. Well, I will state this, that question came up and was discussed a great deal, and my recollection is that all I ever said was that I would offer an opinion upon that and make a ruling when we got to it.

Q. And you never did make a ruling?—A. I don't think we ever got to it.

Q. That is the Kleeman faction you refer to in reply to a question put to you by Judge Hanecy, consisted of one man, didn't it, B. F. Kleeman, himself.

Judge HANECY. I did not refer to that, Mr. Austrian.—A. I think Mr. Kleeman—I think I voted for Mr. Kleeman.

Mr. AUSTRIAN. You did not—you were not one of the Kleeman faction, were you?—A. I followed him, if I remember correctly, on one or two ballots for speaker, I think I voted for Kleeman.

Q. Were you one of the Kleeman faction?—A. I said I thought I voted for him.

Q. Did you ever consider yourself as one of the Kleeman faction?—A. I have been a friend of Mr. Kleeman.

Q. Then instead of being of the Shurtleff faction, the leader of the Shurtleff faction, you were one of the Kleeman faction, is that correct?—A. Well, I do not know whether I was a follower of the Shurtleff faction or not. I got to a place at one time where I had to be something, and voted for Mr. Kleeman as speaker.

Q. The factions were designated as such by reason of the position taken by the several members of the house on certain different measures; that is all, isn't it?—A. That factional difference is based on the vote on speakership.

Q. And that is all?—A. And that is all.

Mr. AUSTRIAN. That is all.

Judge HANECY. Mr. Shurtleff, Mr. Austrian said that if one construction of the constitutional majority was adopted that Mr. Hopkins, the former Senator, would have been elected Senator, is that the fact? Was there ever a ballot under either construction of a constitutional majority by which Albert J. Hopkins would have been elected United States Senator?

Mr. AUSTRIAN. Either construction?

Judge HANECY. Yes; that is what I said.

A. If there was such a one the record will show it. My recollection is there never was.

Judge HANECY. There never was such.

Senator BURROWS. Is that all?

Judge HANECY. That is all.

By Senator GAMBLE:

Q. How many Republicans voted for you for speaker?—A. I think there were 24 or 25.

Q. What was known as the Shurtleff faction?—A. Yes, sir.

Q. And then you received all of the Democratic membership in addition?—A. Except——

Q. Except one or two?—A. Two; I think it was two.

Q. How many Democrats were there who voted for you?—A. I think there were 64 Democrats in the house.

Q. Now, who was the opposing candidate for speaker against you?—A. Edward J. King, of Galesburg.

Q. And the votes he received were all Republican votes?—A. Yes, sir. Possibly he had two Democratic votes, this I don't know; I am not certain as to that.

Q. Now, was the line of demarkation which was drawn in the speakership contest in the election of speaker, did that project itself through the general session of the legislature?—A. I do not think it did.

Q. It ended with the election of speaker?—A. I think so.

Senator GAMBLE. I think that is all.

Senator BURROWS. Do you need this witness any more?

Judge HANECY. I do not think so.

Mr. AUSTRIAN. No, sir.

Senator BURROWS. You can be excused. We are greatly obliged to you. The hour of adjournment having arrived we will take a recess until 2 o'clock.

(And thereupon an adjournment was taken until 2 o'clock of the same day, Saturday, October 8, 1910.)

AFTERNOON SESSION.

SATURDAY, OCTOBER 8, 1910.

At 2 o'clock p. m. committee met pursuant to adjournment, whereupon the following proceedings were had:

Senator BURROWS. Have you anything further?

Judge HANECY. That is all, Mr. Chairman.

Senator BURROWS. Have you anything further, Mr. Austrian?

Mr. AUSTRIAN. That is all at this time.

Senator BURROWS. The testimony, then, as far as counsel are concerned, is closed. Now, what is the wish of counsel in regard to argument, if anything?

Judge HANECY. My wish, Mr. Chairman, is the desire of the committee.

Senator BURROWS. And you, Mr. Austrian?

Mr. AUSTRIAN. While my wish would be subject to the desire of the committee, yet my preference is that an early argument be permitted at the meeting of the whole committee, if possible, if that is the practice. I do not know what the practice is.

Judge HANECY. If we are going to have an oral argument, and I would like to argue it orally, while I do not object to arguing it before anybody else, yet it seems to me that an oral argument would be the most effectual before this subcommittee. If it is before a larger body, an oral argument, it seems to me, would be very much extended beyond what it ordinarily would be because of the necessity of giving

information to many who were not here. It seems to me whether argument is permitted before the full committee will depend upon the action of the committee itself. The subcommittee, I understand, could not determine that question.

I suppose the committee does desire that a brief should be prepared on each side, a full, comprehensive brief of the points in the case on each side, and have the briefs submitted to the committee say within thirty days.

Mr. AUSTRIAN. I will have my brief ready for the committee, and I will have it in the hands of each member of the committee probably some days before the thirty days.

Senator BURROWS. Thirty days, then, will be satisfactory to you?

Mr. AUSTRIAN. Very.

Senator BURROWS. Is it satisfactory to you, Judge?

Judge HANECY. Yes; Mr. Chairman. However, it seems to me that we ought to have some time after we get their brief to present ours. There may be matters dealt with in their brief, and probably will be, that we know nothing about.

Senator BURROWS. Well, it is supposed that the usual courtesies between counsel, between attorneys, will prevail, and that the brief of Mr. Austrian will be shown to the other side and they have an opportunity to answer.

Mr. AUSTRIAN. I would be very glad to enter into this arrangement: If counsel expects to see my brief, I should certainly have the right to reply to his.

Senator GAMBLE. Yes.

Senator BURROWS. Certainly.

Judge HANECY. Yes; I would be perfectly willing——

Mr. AUSTRIAN. It is simply in order that I may see his brief, and I will give him my brief in twenty days, and he will give me his brief in fifteen days——

Senator GAMBLE. Thereafter.

Mr. AUSTRIAN. Thereafter. And I will get my reply within seven days.

Senator BURROWS. Very well.

Mr. AUSTRIAN. If that is satisfactory.

Senator JOHNSTON. Suppose that it is agreed within twenty days, you could furnish each other with your briefs.

Mr. AUSTRIAN. Well, I will have my brief ready for the other side——

Judge HANECY. You could have ten days in which to make your brief to the committee.

Mr. AUSTRIAN. To make a reply?

Judge HANECY. No; but——

Mr. AUSTRIAN. I will exchange briefs with Judge Hanecy within twenty days from this date.

Senator BURROWS. Yes.

Mr. AUSTRIAN. And then either side will have a chance to reply to the other's brief within twenty days.

Senator BURROWS. Yes; either side will have a chance to reply to the other's brief within ten days thereafter.

Senator JOHNSTON. And you will make your brief to the committee within thirty days.

Mr. AUSTRIAN. Yes; of course, it might be a day over, on account of the mails.

Senator BURROWS. Of course.

Senator JOHNSTON. Yes; I understand.

Judge HANECY. I would suggest, that if we are going to be held strictly to it, to that length of time, it might embarrass me, because the supreme court of the State is now sitting, and the appellate court is now sitting. They both commenced their terms the first Tuesday after the first Monday in this month, and I have had many matters put aside and waiting for me, and I may have to go in—in fact, I know that the fact I am released from this engagement here now, would be sufficient to compel me to go into other proceedings, and I may not have the time to prepare that brief within twenty days, but I assume the committee is not going to hold us strictly to the exact twenty days, if other engagements should interfere. I have no desire to delay it at all, but the practice of our court is that actual engagement in court is sufficient reason for passing a case, and the courts have all, where I have had matters before, have recognized this as an engagement in court, and have deferred other matters.

(On the matter of the time for filing briefs, after receiving suggestions from counsel, the following statement was made by the chairman.)

Senator BURROWS. It is understood by the committee that Mr. Austrian is to furnish his brief in twenty days from to-day——

Mr. AUSTRIAN. That is satisfactory.

Senator BURROWS (continuing). And the other side will have ten days after that to submit their briefs and such reply as they see fit to make to Mr. Austrian's brief, and thereafter seven days for Mr. Austrian's reply. All of the briefs and replies will be sent to each member of the committee as soon as prepared, so that the committee can have plenty of time to look the matter over.

Mr. AUSTRIAN. And served upon respective counsel within the time allowed.

Senator BURROWS. Yes; counsel to be supplied with the briefs of the opposite side.

Judge HANECY. Mr. Chairman, will there be oral arguments after that before the subcommittee?

Senator BURROWS. That can not be determined by us now. The committee, of course, reserves to itself the right to take such course in the examination hereafter as it deems necessary. The committee is not estopped from calling further witnesses, if it desires, and if the committee should ask for further testimony, why, of course, that right is reserved, and counsel will be advised if we do desire further testimony.

Mr. AUSTRIAN. May one thing be understood, Mr. Chairman, and that is that we desire, or we join in the desire of the other side for an opportunity for an oral argument.

Senator BURROWS. Certainly.

Senator PAYNTER. Before the subcommittee or before the full committee?

Mr. AUSTRIAN. Preferably before the fully committee, but if it is not the usual course of practice, then before such committee as the practice warrants. I do not know what the practice is.

Judge HANECY. My suggestion is that if we are to have an oral argument that we be given an opportunity to argue it before this committee.

Senator BURROWS. Before the subcommittee?

Judge HANECY. Before the subcommittee.

Senator PAYNTER. You do not care to argue it now?

Judge HANECY. I will argue now, if the committee desires, but of course I could not argue it now as fully nor as carefully as I could if I had more time, and not as carefully as I could at a later time. The only suggestion I have to make in that regard is that it will probably shorten the oral argument very much if it were before this subcommittee, rather than a larger body, because this committee is familiar with everything that has taken place here, as well as counsel, and if the argument were made before this subcommittee we might avoid a very long argument or explanation that would have to be gone into if it were before some other Senators who are not present here on this subcommittee.

Senator BURROWS. We think that it is understood.

Senator JOHNSTON. Now, when are those briefs to be filed?

Senator BURROWS. Let the reporter read the statement of the chair, in reference to that matter.

(Statement referred to was thereupon read by the reporter.)

Mr. AUSTRIAN. Just insert there: Briefs to be furnished and exchanged within that time.

Senator BURROWS. The question of whether an oral argument will be granted before the full or subcommittee, counsel will understand, is open yet for further consideration by the committee. Now, counsel will understand that the committee will call anyone whom it thinks necessary to throw any additional light on the case, for the reason that we want to make the examination thorough and complete. It this witness or party, Mr. Wilson, should be discovered anywhere this side of the North Pole, we shall want him before the final determination of the case, and we shall want any other witness who we deem material, of course. Counsel will be notified if we desire any other witnesses, of course.

Is there anything further to submit, gentlemen?

Mr. AUSTRIAN. No, sir; except on behalf of myself and associates. I desire to thank the committee for the very patient hearing they have accorded us.

Judge HANECY. In which, Mr. Chairman and gentlemen, I desire to fully concur, both to the committee as a whole and to the individual membership, for the uniform courtesy and impartiality of the committee and the individual members during this entire hearing.

Mr. DAWSON. If I may be permitted at this time I desire to thank the committee for the courtesy extended me on behalf of my clients, and I also desire to thank the committee on their behalf.

Senator BURROWS. The committee appreciates these expressions of approval, and I have no hesitancy in saying, on behalf of the committee, that we are greatly indebted to counsel on either side for their assistance in this investigation, and we also wish to return our thanks to the press for its very courteous treatment.

The committee will stand adjourned, subject to the call of the chairman of the committee.

WEDNESDAY, DECEMBER 7, 1910.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS.

Hearing resumed at Washington, D. C., at the room of the Committee on Privileges and Elections, in the Capitol, on Wednesday, December 7, at 11 o'clock in the forenoon, the following members of the subcommittee being present: Hon. J. C. Burrows (chairman), Hon. Robert J. Gamble, Hon. Weldon B. Heyburn, Hon. Morgan G. Bulkeley, Hon. James B. Frazier, Hon. Thomas H. Paynter, Hon. Joseph F. Johnston.

Robert E. Wilson, sworn, upon direct examination by Mr. Austrian testified as follows:

Q. Mr. Wilson, what is your full name?—A. Robert E. Wilson.
Q. What is your age?—A. Forty-two years.
Q. Where do you reside, Mr. Wilson?—A. 4025 Perry street.
Q. Chicago?—A. Chicago.
Q. You reside on Perry street, or Perry avenue as it is sometimes called?—A. No; I know there is a Perry avenue on the south side. I live on Perry street.
Q. You resided there during the year 1910?—A. Yes, sir.
Q. What is your business, Mr. Wilson?—A. Well, I am in the real estate business with my brother; he runs the business and I am working for him.
Q. You have an office conjointly with him?—A. Yes, sir.
Q. Is that what you mean?—A. Yes, sir.
Q. Mr. Wilson, were you a member of the forty-sixth general assembly of the State of Illinois?—A. Yes, sir.
Q. Republican or Democrat?—A. Democrat.
Q. Upper or lower house?—A. Lower.
Q. Was that your first session in the Illinois legislature?—A. No, sir; I was in the forty-fifth session also.
Q. Each of those sessions by law is fixed at two years?—A. Yes, sir.
Q. That is the term of office?—A. Yes, sir.
Q. Yes; the term is supposed to be two years, is that it?—A. Yes, sir.
Q. Were you acquainted with Lee O'Neill Browne in the forty-sixth general assembly?—A. I was; yes, sir.
Q. Was that acquaintance casual or intimate?—A. Well, it was quite intimate. I considered him a personal friend.
Q. And you were a personal friend of his?—A. Yes, sir.
Q. You were a personal friend of Lee O'Neill Browne?—A. Yes, sir.
Q. Were you one of his so-called "minority faction" in the house?—A. Yes, sir.
Q. And had been from the beginning of that assembly, had you not—the forty-sixth?—A. Yes, sir.
Q. Did you vote for Mr. Lorimer for United States Senator on the 26th of May, 1909?—A. I did.
Q. Was that the first vote you cast for Mr. Lorimer for United States Senator?—A. Yes, sir.
Q. Was that the first vote you cast for any Republican during the caucusing and electing of United States Senator in the forty-sixth general assembly?—No, sir.

Q. For what other Republican had you voted?—A. Edward D. Shurtleff.

Q. Edward D. Shurtleff, the speaker of the forty-sixth general assembly?—A. Yes, sir.

Q. How often?—A. Once.

Q. Once—when?—A. Well, I can not say exactly as to that; some time—probably two weeks—two weeks, probably, before Mr. Lorimer's election.

Q. Prior to that—subsequent to that—did you vote for any other Republican?—A. No, sir.

Q. Now, Mr. Wilson, the subcommittee of the Committee on Privileges and Elections met in the city of Chicago on or about the 20th day of September, 1909—1910, I should say. Were you aware of that fact?—A. I was, afterwards; yes sir.

Q. You say "afterwards?"—A. After they had met I knew of it.

Q. When for the first time were you aware of the fact that the subcommittee on Privileges and Elections of the United States Senate met in the city of Chicago on or about that time?—A. Well, the only time that I knew that they had met was when I got back; I had been away, you understand: I went away, and I got back the day before the last registration; that was, I think, the 17th. No; I can't give you the date.

Q. Yes; that was immediately after the subcommittee had adjourned, was it not?—A. No; I think they had adjourned. On a Saturday——

Q. On the Saturday before?—A. Well, yes; a week or ten days previous.

Q. And you had no cognizance of the fact that the subcommittee were in session; that they had convened; had held hearings, and that a subpœna had been issued for you?—A. No, sir.

Q. None whatever?—A. I understood that there was a committee appointed to meet at some time or other; yes.

Q. When did you leave the city of Chicago, Mr. Wilson?—A. I left—some time—a few days after the primaries; the primaries were held on the 15th. I think the primaries were held on the 15th.

Q. September 15; is that it?—A. Yes, sir.

Q. In the year 1910?—A. Yes, sir.

Q. And you left a few days after the primaries?—A. Yes, sir.

Q. Isn't it a fact, now, Mr. Wilson, that you left on the Saturday subsequent to the holding of the primaries in Cook County, Ill.?—A. The Saturday after the primaries?

Q. Yes?—A. Well, it was—I dare say that's the time.

Q. Now, Mr. Wilson, isn't it a fact that you did leave the city of Chicago—that you did not leave the city of Chicago, I would say—until the 25th day of September, a week following the Saturday after the primaries?—A. No, sir.

Q. You did not?—A. No, sir; I did not.

Q. On Saturday, September 25?—A. I would not say as to that.

Q. 1910?—A. I would not say as to that. I would not say I left on a Saturday—on the Saturday you say that I left. I know I left a short time after the primaries, but whether it was on the Saturday after the primaries, or the following Saturday, I would not say.

Q. Mr. Wilson, you were not living at your home on Perry street, were you, before you left the city of Chicago that time?—A. I certainly was.

Q. Now, isn't it a fact that the committee—no, I will withdraw that. Isn't it a fact that the day you left Chicago you met your brother-in-law Quinlan in the neighborhood of Irving Park Boulevard and Perry street, and that he handed you a traveling bag, about 3.45 in the afternoon?—A. No, sir; what was the question?

Mr. AUSTRIAN. Miss Lawler, will you please read the question.

(Question read as follows:)

Isn't it a fact that the day you left Chicago you met your brother-in-law, Quinlan, in the neighborhood of Irving Park Boulevard and Perry street and that he handed you a traveling bag about 3.45 in the afternoon?

The WITNESS. No, sir; it is not so.

Q. You did not see Quinlan—your brother-in-law, Quinlan?—A. I see him—I probably saw him: yes.

Q. You did not see him on the Saturday, September 25, after the primaries, did you?—A. I would not say as to that; I would not be positive as to that, whether I did or not; whether that was the right date or not.

Q. Now, Mr. Wilson, isn't it a fact that Mr. Quinlan came out of your home—the home that you resided in—and isn't it a fact that you were standing on the corner of Perry street and Irving Park boulevard, and you walked east, and Quinlan walked to Prairie avenue and then walked west and he crossed the street and put your bag down on the sidewalk and you picked it up and left; isn't that the fact, Mr. Wilson?—A. No, sir; it is not a fact.

Q. That is not so, is it?—A. No, sir.

Q. And he (Quinlan) didn't hand you a bag on that day at all, did he; will you tell this committee that he did not?—A. What's that question—why, no, he did not; no, sir.

Q. At no time?—A. That question is absolutely no; he didn't meet me at Perry street and give me a bag; no.

Q. Where did he meet you and give you a bag?—A. He did not meet me and give me a bag anywhere.

Q. At no time on Saturday, September 25?—A. No, sir.

Q. Who did give you a hand bag on that day?—A. No one did.

Q. The day you left you went to your house and got your bag and left, yourself?—A. Yes, sir: I got my bag.

Q. And carried it yourself from Irving Park boulevard?—A. I won't say as to that; I got on the car—I do not know whether I got on the car on Irving Park boulevard or Ashland avenue.

Q. You were alone?—A. Yes, sir.

Q. And you met no member of your family on Irving Park boulevard on that day?—A. Yes, sir.

Q. What is your answer—you had met no one?—A. I had met no one.

Q. Yes, sir; now, Mr. Wilson, you say you voted for Mr. Lorimer for the first time on May 26, 1909?—A. Yes, sir.

Q. Did anyone speak to you with reference to voting for Mr. Lorimer prior to your casting your vote for him on that date?—A. Well, I do not know; several spoke to me, and it was talked around the house.

Q. What was talked around the house?—A. Why, voting for Mr. Lorimer—about voting for him.

Q. I am asking you now, Mr. Wilson, if anyone spoke to you personally.—A. Asked me on that day?

Q. Yes, sir; on the day of the election.—A. Well, I don't think they did, on that day. I can not say. I have no recollection of anyone asking me.

Q. Did anyone ask you on the day prior to the 25th or 26th day of May, or talk to you with reference to voting for Mr. Lorimer for United States Senator?—A. I could not say. We talked to one another. I can not say to whom I talked; we talked to one another, and probably I talked to somebody about voting for Mr. Lorimer.

Q. I am not asking about whom you spoke to. Did anyone talk to you; that is my question?—A. On that day?

Q. On the 25th day of May.—A. I can not say as to that.

Q. On the 24th?—A. Somewhere probably within three or four days before the election some of the members may have.

Q. Did Lee O'Neil Browne?—A. He may have.

Q. Will you say he did or did not?—A. Well, I can not say; I will not say he did or did not.

Q. You will not say one way or the other?—A. Well, because I felt that I was going to vote for Mr. Lorimer if at any time the occasion should arise that my vote would help to elect him to the Senate.

Q. I am asking you, Mr. Wilson, if Lee O'Neill Browne asked you to vote for Mr. Lorimer, or discussed with you the subject of your voting for Mr. Lorimer, between the 24th and the 26th days of May.—A. I have no recollection of it.

Q. In 1909?—A. I have no recollection.

Q. When did you make up your mind for the first time to vote for Mr. Lorimer?—A. Well, I had made up my mind if the Democrats were going to vote for Mr. Lorimer I would be one of them, as I had a personal reason for so doing. Do you wish me to state it?

Mr. AUSTRIAN. I have no objection.

The WITNESS. When I was in the sheriff's office, the late sheriff, Thomas E. Barrett, a Democrat, was taken sick. He was quite a friend of mine, and when he was taken sick and was at the hospital I went to the hospital to see him and was there constantly, you might say, and at his house, until he died; and during the time while he was sick Mr. Lorimer came to see him with a gentleman named McAndrews, Jim McAndrews, and after Mr. Lorimer left—I was introduced to him while he was there—and after he had left, Mr. Barrett said to me, "Now, that's one of my best friends in Chicago, a man I think the world of; and any time that you have any chance, or any favor that you can bestow on Mr. Lorimer, I wish you would do it." That man, Mr. Barrett, was as close to me, probably closer to me, than any living man outside of my family, and when Mr. Lorimer's name was mentioned as a candidate, I felt as soon as there would be any number of Democrats that would vote for him I would be among the first—of course, I felt that I could not afford to be the only Democrat to vote for a Republican to elect him, because that would be suicide, but I had made up my mind that when I heard of any number of Democrats who would vote for Mr. Lorimer, I was one of the first to say I would.

Q. Mr. Wilson, Thomas Barrett, of whom you speak as being sheriff of Cook County, died some five years ago, did he not?—A. Yes, sir.

Q. You voted for Edward Shurtleff for Senator?—A. Yes, sir.

Q. And Mr. Shurtleff is a Republican?—A. Yes, sir.
Q. And you are a Democrat?—A. Yes, sir.
Q. Edward Shurtleff had been balloted upon ever since January?—A. Yes, sir.
Q. You felt no hesitancy in voting for him?—A. I knew there was no chance—because I knew there was no chance to elect him; he had only 10 votes, and they were complimentary—a complimentary vote.
Q. Then the vote you cast for Edward Shurtleff was a complimentary vote, was it?—A. Exactly; yes, sir.
Q. Now, when did you make up your mind that your vote with the others would elect a Republican—that it would elect Mr. Lorimer to the United States Senate?—A. When did I make up my mind?
Q. Yes, sir. I am asking for the time when you made up your mind that your vote, with the other Democrats with whom you had conferred, would elect Mr. Lorimer to the United States Senate.—A I can not get that question right.
Q. You testified before this subcommittee just a moment ago that you would not vote for Mr. Lorimer unless your vote was going to elect him; is that correct?—A. Yes, sir.
Q. When did you make up your mind that your vote, together with the vote of the other Democrats, would elect Mr. Lorimer?—A. When I circulated among the Democrats and so many were willing to vote for Mr. Lorimer.
Q. When was that, Mr. Wilson?—A. Within the week before he was elected; I could not say exactly; might have been two or three days before.
Q. Yes. Now, Mr. Wilson, as a matter of fact, didn't Lee O'Neill Browne and the other leaders of the minority faction pass the word around on the night of the 25th of May or the morning of the 26th of May that Mr. Lorimer was "going over?"—A. I dare say they did—or something of that kind.
Q. Were you well acquainted with the southern Illinois members of that general assembly?—A. I don't know—fairly well, the same as some of the northern men.
Q. But not intimately?—A. Some I was; yes.
Q. Tell this subcommittee, please, what southern Illinois members you were well acquainted with at that time.—A. Some of the older members I met at previous session.
Q. Who, who who?—A. Clark and Link and Beckemeyer.
Q. Yes. That's Joe Clark and Mike Link and H. J. C. Beckemeyer?—A. Yes, sir.
Q. You were well acquainted with them?—A. Well, I do not want to say I was; probably better acquainted with some of those three men than with the others. I was perhaps better acquainted with Clark than with the other two, and might have been better acquainted with Link than with Beckemeyer, which I was.
Q. You knew Link best?—A. No; I knew Clark best.
Q. How well were you acquainted with Shepard?—A. Well, I met him in the last session; he was a pretty decent fellow, and naturally these men you get acquainted with.
Q. So you knew Shepard as you knew others in the house?—A. Yes.

Q. You knew the Chicago members better than the southern Illinois members?—A. Some of them; yes.

Q. Yes; and as a matter of fact you knew many more Chicago members much better than you knew any southern Illinois members, including Link?—A. No; I did not say so; some were members of the other end of it—to be plain, what was called the "Tippett end," and then there was the "Browne end;" one faction was the "Tippett end" and the other faction was the "Browne end." The Tippett end I did not associate much with; they were not working the same as we were.

Q. There were 39 members of the Browne faction, were there not?—A. 37.

Q. There were 39 and they dropped to 37?—A. There were 2 that—well, the other 2 never virtually belonged to us.

Q. Yes. There were 39 and they were reduced to 37, is that right?—A. Yes.

Q. Now, of the 37 or 39, call it whatever you please, a large part of them—a large number of them—were from Chicago?—A. Yes, sir.

Q. Most of the Browne faction resided in Chicago, and those residing in Chicago you knew better than those residing in southern Illinois; you were better acquainted with those living in Chicago?—A. I can not say that I was.

Q. Well, the faction, or members of the Lee O'Neill Browne faction, that resided in southern Illinois—you knew them well?—A. Well, yes.

Q. You didn't know White very well?—A. No, sir.

Q. You didn't know Luke very well?—A. I knew Luke very well, yes, because he was an old member.

Q. You did not know Shepard very well?—A. Only as a new member.

Q. You went to St. Louis and arrived there on the 15th of July, 1909, did you not?—A. Yes, sir.

Q. And registered at the Southern Hotel?—A. Yes, sir.

Q. And when you so registered at the Southern Hotel in St. Louis you took a room there, did you?—A. Yes, sir.

Q. And that room had a bath, did it not—a bathroom connected with it?—A. Yes, sir.

Q. Now, Mr. Wilson, you had been at the Briggs House in Chicago the day before you went to St. Louis, hadn't you?—A. The day before I went away?

Q. The day before you went to St. Louis.—A. No, sir; I don't recollect that I was.

Q. You had been to the Briggs House in the city of Chicago the day before—the day you left for St. Louis?—A. Do you mean that I left the Briggs House to go to St. Louis?

Q. You had been at the Briggs House the day before you left for St. Louis?—A. I do not recall that I was.

Q. If Lee O'Neill Browne testified before this subcommittee that you were at the Briggs House on that day, and saw you there, do you say that is incorrect or correct?—A. I have no recollection of it; I do not recollect the date. I had been there a few days previous. If it was Sunday or Saturday I would say that probably that is absolutely correct.

Q. And you left Chicago on the night of the 14th day of July?--A. Yes, sir.

Q. And arrived in St. Louis on the morning of July 15, did you?—A. Yes, sir.

Q. And immediately went to the Southern Hotel and registered?--A. Yes, sir.

Q. Correct?—A. Correct.

Q. And you left St. Louis at noon?—A. To return?

Q. Yes, sir.—A. Noon.

Q. You left on the noon train, on the train that leaves St. Louis at 12 o'clock noon?—A. I can not say as to the time. I know it was about noon.

Q. About noon?—A. I know it was about 12 or half past. I do not recollect the exact time that the train leaves. I do not know now.

Q. Didn't you testify before the grand jury that you left St. Louis at 12 o'clock noon—the grand jury in Chicago?—A. I do not think that I named any specific time, because I did not know, and can not say now that it was just noon. I do not think that I could remember what time the train left exactly—I could not remember; I do not remember that now.

Q. Well, you will say it was about noon.—A. I will say that it was some place between 11 and 1. I will say that.

Q. Now, then, all the business that you transacted in the city of St. Louis on the morning of July 14 you transacted from the time you arrived there, until noon, whether it was between 11 and 1 o'clock?—A. Yes, sir.

Q. Who did you meet at St. Louis on the morning of July 15?—A. I met Beckemeyer, Luke, Shepard, Link, Clark, and White.

Q. Those were what was known as southern Illinois members?—A. Yes, sir.

Q. Did you, when you went to St. Louis expect to meet these gentlemen at St. Louis?—A. I did; yes, sir. I might not have expected to meet all. Some I can not recollect, and I suppose I made some arrangement to meet them.

Q. What arrangement did you make to meet them there?—A. Well either sent them word by phone, or letter, or some communication—I can not just say now.

Q. You personally?—A. Sir.

Q. You personally?—A. I can not say personally.

Q. You know whether or not you sent them word personally?—A. No; I do not know.

Q. No recollection whether you sat down and wrote letters to those southern Illinois members to meet you at St. Louis, or whether you did not?—A. No; I have not.

Q. You know whether or not you telephoned them?—A. Personally.

Q. Yes; personally?—A. I have no recollection.

Q. No recollection on the subject, whether it was personal?—A. No recollection. Must have in some way communicated with them—probably sent word in some way—no doubt about that.

Q. And you can not tell this committee how you sent it?—A. I surely have no recollection. I might say I think, but that would be no better.

Q. What is your recollection?—A. I think I sent Clark a personal letter.

Q. What other "think" have you on the subject?—A. In that letter I am pretty positive that I told him to let Mr. Link know.

Q. That is your best recollection?—A. Yes, sir.

Q. Your best recollection about Clark?—A. Yes, sir.

Q. How did you communicate with Mr. Shepard?—A. I don't know as I really communicated with Shepard.

Q. Did you expect to see Shepard?—A. No; I don't know that I did.

Q. You don't know that you did?—A. No, sir.

Q. Didn't you testify before that same grand jury on the same occasion that you did expect to meet Mr. Shepard in St. Louis?—A. I may have testified that I expected to see those southern Illinois men, the men from the southern part of the State. I don't know as I specifically picked out Shepard.

Q. How did you communicate with White—Charles A. White?—A. I don't know—I don't know whether he said I sent him a telegram. Now, I haven't any recollection about it, of sending him a telegram—in fact, I figured that that telegram had been used and sent with my name signed to it—signed by my name, to show if possibly could, my writing, which could not be as it was not the original telegram at all, and I figured it out this way, that that telegram was a fake.

Q. Yes, yes; now how did you figure that you notified White?—A. White said he met Beckemeyer on the street.

Q. Not what White said; how did you notify White, if you did notify him?—A. It might be possible that that telegram was sent through somebody that I told to send it.

Q. You have no recollection of who that was?—A. No, sir.

Q. How did you notify Mr. Luke?—A. Well, I don't know; the same way, letter or some way.

Q. Now, isn't it a fact that you notified all of the southern Illinois members through Mike Giblin, Lee O'Neill Browne's secretary?—A. No, sir.

Q. Did not notify any of them through Mike Giblin?—A. I will not say I did not.

Q. Well, you didn't notify any of them?—A. I won't say I did not.

Q. Didn't you notify each one of them by telegram through Mike Giblin, and ask for a reply or response at the Briggs House?—A. It might be possible I got Mike Giblin to send this telegram; I am not sure.

Q. You are not sure?—A. No, sir.

Q. You testified on this same subject before the grand jury of Cook County?—A. Yes, sir.

Q. And you were asked the same question?—A. I don't recall.

Q. Were you not asked, Mr. Wilson, whether you notified the southern Illinois members?—A. I have no doubt.

Q. And didn't you state on that occasion that you notified them through Mike Giblin, Lee O'Neill Browne's secretary?—A. I don't know that I made that as plain as that because I could not say that I did. They asked me if I did notify those men, and I probably said I did through Giblin, Browne's secretary.

Q. Through Browne's secretary?—A. Yes.

Q. When did you ask Giblin to notify the southern Illinois members to meet you at St. Louis?—A. When did I ask him?

Q. Yes?—A. Probably some time before I left.

Q. On the 14th; you left Chicago on the 14th?—A. Well, I presume so, if that is the date.

Q. Wasn't Browne at the Briggs House on the 14th day of July?—A. He may have been.

Q. Was Browne sick?—A. No, sir.

Q. Wasn't Browne recovering from an attack of ptomaine poisoning?—A. He may have been recovering; he was sick two or three days.

Q. He was not sick?—A. He was sick two or three days before that; but he was recovering, so that he was around.

Q. He recovered before you went to St. Louis?—A. I did not say the day before I went to St. Louis I saw him.

Q. Will you say you didn't see him?—A. No; to the best of my recollection I may have seen him on the Saturday or Sunday before that. He had that room and would come and go.

Judge HANECY. I have no objection specially, but it seems to me that it does not go to any question pending before this committee, and it may be the purpose of counsel on the other side, or some one back of him, to get something here that may be used against this witness in Cook County. He has been asked a number of questions about what he testified to before the grand jury, and counsel has referred to a memorandum book, and he seems to be quite familiar with what took place before the grand jury in Chicago. We haven't access to that information, and probably nobody but the State's attorney and the gentleman on the other side has, but it seems to me that this committee should not permit counsel to use this committee to get evidence to be used against this witness, who has three indictments against him in Cook County, and two of the indictments have been abandoned by the State's attorney without asking this defendant to plead or put him on trial. The first one was found, and that was dismissed by the State's attorney——

Senator GAMBLE. What was the charge?

Mr. AUSTRIAN. Perjury.

Judge HANECY. The very thing they are asking him about.

Senator GAMBLE. What was the other charge?

Mr. AUSTRIAN. One was a curative indictment of the other.

Senator GAMBLE. There is an indictment against him now, what is the charge?

Judge HANECY. Perjury.

Mr. AUSTRIAN. Perjury.

Judge HANECY. And all growing out of the same testimony. He never appeared before the grand jury but once. and he was indicted for perjury because he didn't tell the story the state's attorney wanted him to. The state's attorney dismissed that indictment without putting him on trial or calling him to plead.

Then the state's attorney found another indictment against him, without this witness going before the grand jury a second time; that indictment was for the same charge and growing out of the same testimony that the first one was. That continued for several months, and then was dismissed by the state's attorney of his own motion and without putting the witness on trial or even arraigning him to

plead. Three months or more afterwards they found a third indictment on the same matter. They are trying to get testimony here, not on the question that this honorable committee is investigating, but upon collateral matters entirely. I take it that this committee wanted this witness to come here and say whether or not he paid certain men certain amounts of money for voting for Senator Lorimer or for a jack pot or some other proposition, but that is not what this counsel is asking him at all. This witness should not be compelled to answer questions that may be used against him in a criminal prosecution, in a prosecution that seems to be a persecution and malicious in its nature.

For that reason I suggest to this committee—not in the way of an objection, because I do not care, but, it seems to me, out of common fairness to this witness, who is here without counsel—that he should not be subjected to this kind of an examination for the purpose of using what he may say in a criminal prosecution.

Mr. AUSTRIAN. I submit that this statement is absolutely ridiculous. The federal statutes regulate the use of testimony given by this witness. Testimony given by this witness can not be used in any criminal prosecution. It is not giving the name of a witness; it is not tracing the movements of this man so it can be used against him. This is very pertinent evidence, if the committee pleases, and I ask to be allowed to pursue this line of examination as preliminary to the main question, which will come in a very few minutes.

Judge HANECY. I am entirely familiar with the law, which does not permit the state's attorney, or anyone under the domination of people back of counsel on the other side, to use this testimony, but I know that this information he is seeking can be used in connection with other matters. "The very fact that he is compelled to answer one question," as Chief Justice Marshall says, "may be the connecting link that makes the chain complete, and without which the rest would be worthless."

Senator BURROWS (chairman). You may proceed, Mr. Austrian, but please make your examination as brief as you can. We must get along with this.

Mr. AUSTRIAN (resuming examination):

Q. Mr. Wilson, I will ask you to give this subcommittee your best recollection as to whether or not prior to your leaving Chicago for St. Louis on the night of July 14, 1909, you saw Lee O'Neill Browne?—A. On that day.

Q. Yes, sir.—A. To the best of my recollection I could not say I did.

Q. Could you say you did not?—A. I really do not think I saw him on that day. I think I saw him a few days previous.

Q. Did you discuss with him your trip to St. Louis—anything with reference to your trip to St. Louis?—A. I dare say I did.

Q. Did Lee O'Neill Browne know you were going to St. Louis?—A. Yes, sir.

Q. Sir?—A. Yes, sir.

Q. When did you make up your mind to go to St. Louis?—A. Well, somewhere about the day—I do not just know when, but sometime earlier in the month; I could not say exactly what day I was going.

Q. How much earlier in the month?—A. About five or six days.
Q. On or about the 10th of July?—A. Somewhere around there.
Q. That is when you made up your mind to go to St. Louis. Did you make it up after discussing the subject with Lee O'Neill Browne?—A. Yes, sir.
Q. You were on what is known as the "submerged lands committee" of the Illinois house, were you not?—A. Yes, sir.
Q. Did the submerged lands committee, or a subcommittee of that committee, meet in St. Louis in July, 1909?—A. No, sir.
Q. Did it?—A. No, sir.
Q. During the entire month of July did it meet there?—A. No, sir.
Q. Did it meet there in the month of August?—A. Yes, sir.
Q. When?—A. About the 23d or 24th, somewhere along there.
Q. Of August?—A. Yes, sir.
Q. 1909?—A. Yes, sir.
Q. When you arrived in St. Louis on the morning of the 15th of July, did you have or conduct or carry on any business with reference to the submerged lands committee?—A. I did not go for that purpose.
Q. Now, Mr. Wilson, you went down there for what purpose?—A. I went down to see some of the southern members of the Illinois house with regard to a banquet to be given to Lee O'Neill Browne.
Q. And you went down because Tippett had given his followers a banquet; Tippett had given his followers a banquet, had he not?—A. Yes.
Q. And Tippett had given his followers a banquet prior to the adjournment of the session in Springfield, the adjournment having taken place the 4th of June?—A. I don't know the date.
Q. If the legislature adjourned on the 4th of June, that is correct, is it not?—A. I think so.
Q. Yes, sir; and no steps were taken with reference to Mr. Browne's banquet until about the middle of July?—A. Well, it had been spoken of; that night of adjournment when we came over from the house to the hotel in Springfield it was talked of.
Q. No further steps had been taken toward ascertaining the minds of the southern Illinois members on that subject until the 15th day of July?—A. There was talk about it.
Q. Beyond talking about it, nothing definite was done until July 15, had there?—A. Nothing.
Q. You never talked to anybody yourself about it until the 15th of July, did you, Mr. Wilson?—A. Oh, yes.
Q. With whom?—A. Doctor Allison.
Q. Anyone else?—A. Murray.
Q. Murray you talked to in Chicago?—A. Yes.
Q. Did you talk to anyone else?—A. No.
Q. And you were a Chicago member and there were a number of Chicago members in the house belonging to the Browne faction, and you never discussed the banquet? You never discussed it with anyone save Mr. Murray and Doctor Allison?—A. Anyone?
Q. Yes; with anyone.—A. Yes, sir; at the house there were several of us.
Q. Then you did discuss the subject with more members besides Murray and Allison?—A. Yes, sir.

Q. How many more?—A. I could not say, but when we came back to the hotel it was common talk that Mr. Tippett got one the best of us by giving that banquet.

Q. You condoled with each other on account of it?—A. Yes, sir.

Q. You then and there immediately had a discussion about arranging for a banquet for Browne? Is that correct?—A. The arrangement was not spoken of at that time; no. But some members thought we should do it.

Q. Then you did nothing about it from the time of the adjournment of the legislature until July 15, 1909? Is that correct?—A. Yes, sir.

Q. Now, you knew when you went to St. Louis on the night of July 14, what Browne's attitude was with reference to a banquet for himself?—A. I did, in a way.

Q. And Browne had expressed what his views on that subject were a great many times, Mr. Wilson?—A. I don't know.

Q. Well, whenever you talked about it he expressed his views?—A. He said——

Q. I am not asking what he said. He expressed his views and frowned upon it. He said he frowned upon the banquet because it would make the factions separate further than they were already separated. Is that correct?—A. I don't know as he went into it so strong; before I went over to see Mr. Clark——

Q. He did frown upon it?—A. He said he had some personal reason.

Q. When you came back from St. Louis did you report to Browne or Allison on the subject of the banquet?—A. Yes, sir.

Q. Which one?—A. I reported to Browne——

Q. To which one did you report, Browne or Allison?

Judge Hanecy. He said Browne. I submit he ought to be permitted to answer.

Q. I am asking him to which one he reported.—A. I reported to Browne.

Q. Did you report to Allison?—A. I think I did; yes.

Q. Will you tell this subcommittee you did?—A. I think I had Allison on the phone afterwards and told him that the boys—I don't think—I don't know whether it was on the phone or whether he came to Chicago, whether I saw him in Chicago; I told him that Browne was opposed to the banquet; and it seems as though I spoke to him and told him that Browne was opposed to the banquet and that some of the boys agreed that it would not be the best thing to have it.

Q. The boys you met in St. Louis were willing to do what Browne wanted them to do?—A. They left that to me, as far as the banquet was concerned.

Q. You knew Browne's view before you went there?—A. In a way I did.

Q. You did not know where Dr. Allison lived when you testified before the grand jury?—A. I don't know where he lives now.

Q. You called him on the telephone, you said.—A. I called him on the telephone without knowing where he lived; anyone can get any one on the telephone in any town.

Q. You don't know the town in which he lives now?—A. Oh, yes; I do; I never said I did not know in what town he lived—Essex——

Q. When did you ascertain it?

Senator BURROWS. Is that material?

The WITNESS. I never said I did not know the town——

The CHAIRMAN. Wait a moment, Mr. Wilson; the committee can not have so much time taken up by what seems to be unnecessary.

Mr. AUSTRIAN. Very well, Mr. Chairman.

Q. Mr. Wilson, Allison was the man who asked you to go to St. Louis?—A. He did not ask me to go.

Q. Who did ask you to go?—A. I took it upon myself.

Q. No one requested you to go?—A. No, sir.

Q. You went on your own initiative for the purpose of finding out whether the banquet should be given to Browne, six weeks after the close of the session, is that right?—A. Yes, sir.

Q. When you got to St. Louis and met the members whose names you have mentioned here, did you have any discussion with them on the subject of the banquet?—A. I did, yes.

Q. Can you tell the committee what, if any, talk you had with any one member of the southern Illinois members?—A. What I said?

Q. Yes.—A. No, sir; I can not tell you the conversation.

Q. Mr. Wilson, Link, you say, you knew better than any other of the Illinois members?—A. I said I knew Clark the best; I knew Link pretty well.

Q. Clark and Link were in the room at the Southern Hotel with you?—A. Yes, sir.

Q. And Shepard, and White, and Luke, and Beckemeyer were also there, is that right?—A. Yes, sir.

Q. Did you pay Mr. White any money on that day?—A. No, sir.

Q. Did you pay Mr. Beckemeyer any money on that day?—A. No, sir.

Q. Did you pay Mr. Link any money on that day?—A. No, sir.

Q. Did you call Mr. White into the bathroom; a part of your living rooms there at that time?—A. Did I?

Q. Yes, sir.—A. No, sir.

Q. Did he go into the bathroom with you?—A. I do not think he did. I do not recollect him being in the bathroom.

Q. Will you say he did not go into the bathroom with you?—A. I say I don't remember his being in the bathroom with me.

Q. Then, if White testified, Mr. Wilson, that "he," referring to you, "invited me into the bathroom," that was incorrect, was it?—A. Well, I do not recollect that I called him into the bathroom.

Q. Have no recollection on the subject?—A. No, sir.

Q. Did you call Shepard into the bathroom?—A. I won't say I did not, but I have not any recollection that I called him in; he may have come in there when I was there.

Q. Have no recollection whether you called Shepard in or not?—A. No.

Q. Did you read Shepard's testimony?—A. No.

Q. Has any one stated to you what that testimony was?—A. No, sir.

Q. And you don't know what it was or is?—A. No, sir. My eyes have been bad——

Q. I am asking you if you know what his testimony was?—A. No, sir.

Q. Now, if Shepard testified that you called him into the bathroom on that occasion, this morning of July 15, you won't say whether or not his testimony is correct?—A. I'll say I think I did.

Q. You think you did?—A. Yes, sir.

Q. You had seen Shepard at the St. Nicholas Hotel in Springfield?—A. Yes, sir.

Q. Had seen him in that hotel dining with a lady?—A. I don't know that I had. I had heard she was there.

Q. You had heard that he was there dining with some lady?—A. Yes, sir.

Q. And you called him into the bathroom?—A. Yes, sir.

Q. What were you discussing with Shepard when you called him into the bathroom?—A. I don't know what it was; it was not anything material.

Q. You have no recollection what it was?—A. No; I have not.

Q. Well, will you tell this committee you have a recollection of calling him into the bathroom?—A. Yes, sir.

Q. But you have no recollection what the discussion was?—A. You asked me when he—what he said before this committee or before the grand jury——

Q. Yes, sir.—A. I heard what he said before the grand jury.

Q. I am asking whether you knew what he testified to before this committee?—A. I said "No."

Q. He testified before the grand jury to the same.—A. I can not say; I haven't heard it.

Q. I am asking you now if you know what you said in the bathroom. I am not asking now about Shepard's testimony; I am asking whether you know what discussion you had on that occasion?—A. The only way I can get at it is the telegram; I can not say as to his testimony before the grand jury.

Q. I am not asking you about the testimony before the grand jury, but White said certain things——A. He said that Browne——

Q. You do not know what you said to him in the bathroom at all?—A. No; I do not.

(Thereupon, at 12 o'clock noon, the subcommittee took a recess until 2 o'clock p. m.)

AFTERNOON SESSION.

WEDNESDAY, DECEMBER 7, 1910.

At the expiration of the recess the committee reassembled.

Mr. Robert E. Wilson resumed the witness stand and testified further as follows:

Mr. AUSTRIAN. At the time of the adjournment, Mr. Wilson, I was inquiring as to your recollection of your conversation with Henry A. Shepard in the bathroom adjoining your room at the Southern Hotel. Have you any recollection as to that conversation?

Mr. WILSON. I have none whatever.

Mr. AUSTRIAN. Did you have a conversation with him in the bathroom?

Mr. WILSON. The chances are I did.

Mr. AUSTRIAN. He was in there?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. Do you have an independent recollection of that fact?

Mr. WILSON. Yes.

The CHAIRMAN. He has stated that he was in the bathroom.

Mr. AUSTRIAN. Do you know whether or not you had any discussion with him with reference to his having been at a meal at the St. Nicholas Hotel with a lady?

Mr. WILSON. I haven't any recollection, although that is what he said I said to him.

Mr. AUSTRIAN. How do you know that is what he said?

Mr. WILSON. Because he said that before the grand jury.

Mr. AUSTRIAN. How do you know what he testified to before the grand jury?

Mr. WILSON. Because it was the common talk. Everybody heard what he said. The papers, I guess, even came out with it afterwards.

Mr. AUSTRIAN. But you have no knowledge of what he testified to before this committee?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. When you were before the grand jury you were asked with reference to that same subject matter, were you not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. Did you not testify with reference to the conversation you had with Shepard in the bathroom?

Mr. WILSON. I testified that it was something; that whatever he said or I said was so immaterial that I can not recall it again.

Mr. AUSTRIAN. That was your testimony before the grand jury, was it?

Mr. WILSON. I will not say that is absolutely my testimony.

The CHAIRMAN. It seems to me that I should inquire of you whether that is proper, to ask the witness to disclose what he testified before the grand jury.

Mr. AUSTRIAN. I took the position, it was not proper, Mr. Chairman, but the committee ruled it was proper upon the hearing in Chicago.

The CHAIRMAN. I have no recollection of that at all.

Mr. HANECY. It was the ruling, if I may be permitted to state, that the witness himself might testify. This witness is in a different position from any other witness. I attempted to show by somebody who was not indicted. This man was indicted for what he said before the grand jury.

Mr. AUSTRIAN. It really does not make any difference whether the man who is testifying is indicted or not.

The CHAIRMAN. We will not spend any time on that. Let the witness answer.

Mr. AUSTRIAN. Did you not testify with reference to a conversation you had with Shephard in the bathroom?

Mr. WILSON. Did I testify?

Mr. AUSTRIAN. Yes, sir.

Mr. WILSON. I did.

Mr. AUSTRIAN. Did you not testify that conversation you had with Shephard in the bathroom was with reference to a proposed banquet for Lee O'Neil Browne?

Mr. WILSON. I do not think I testified that was the subject in the bathroom, because that was the subject there at that meeting.

Mr. AUSTRIAN. Did you not say that the talk you had with Shephard in the bathroom concerned the banquet?

Mr. WILSON. I might have; I won't say I did not.

Mr. AUSTRIAN. Did you not say you had not seen Shephard with a woman at the St. Nicholas Hotel, and had no discussion with him with reference to being with a woman or dining with a woman at the St. Nicholas Hotel?

Mr. WILSON. I may have.

Mr. AUSTRIAN. Mr. Wilson, when you went down to St. Louis, is it not a fact that Lee O'Neil Browne had intended to go?

Mr. WILSON. I do not know what his intentions were. He may have intended to go.

Mr. AUSTRIAN. When you got down to St. Louis, did you not tell the southern Illinois members that the reason you came was because Browne was sick and could not go?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. Are you sure of that?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. You made no reference, did you, to the fact that Browne had been unable to go because he was sick?

Mr. WILSON. I may have mentioned he had been sick.

Mr. AUSTRIAN. I understood you to say you did not hand Link a package on that 15th day of July, 1909?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. If Link testified you did, Link testified to a falsehood, did he?

The CHAIRMAN. Do you think, Mr. Austrian, that is exactly proper? He says he did not.

Mr. AUSTRIAN. I think it very proper, Mr. Chairman.

The CHAIRMAN. Do you want to show by this witness that the other witness falsified?

Mr. AUSTRIAN. If he testified to that fact, that he committed a perjury.

Mr. HANECY. That is asking him to give an opinion that the other man swore to a lie or committed perjury. I submit it is not proper.

The CHAIRMAN. Is not that a question for the committee? The other man testified to certain things, if you please, and this man testifies they did not occur.

Mr. AUSTRIAN. I will withdraw the question.

Senator GAMBLE. It does not seem to me that is proper at all.

Mr. AUSTRIAN. Let me put it this way: If Mr. Link testified that in the Southern Hotel on the morning of the 15th day of July, 1909, you handed him a package containing $900, was that statement correct or incorrect?

Mr. WILSON. I might use that as Mr. Wayman did—and be charitable to him.

Mr. AUSTRIAN. I ask you whether that was correct or incorrect?

Mr. WILSON. I can only answer in one way, and that is that if I went through what Link went through probably I would have said a thousand or any other sum.

Mr. AUSTRIAN. You would? You got the third degree, too, did you?

Mr. WILSON. Not quite; no. I was there——

Mr. AUSTRIAN. I am asking whether or not that statement was correct or incorrect?

Mr. WILSON. I say I can not answer yes or no.

Senator HEYBURN. I would like the witness to finish the answer to that question. You were interrupted in your answer, I thought. I would like to hear that answer. You said you were there?

Mr. WILSON. At the grand jury?

Senator HEYBURN. No; at the third degree..

Mr. WILSON. I was not there when he got the full. I was there when part of it was going on. I saw him sitting on a bench in an anteroom, while the grand jury was in the other room, and this was the anteroom, and Shephard was on a bench on one end and Link on the other, and Beckemeyer in another room, standing in the entrance of another room, and I stepped up to shake hands with Link, when an officer of Mr. Wyman's, I presume, stopped me and said, "You can't talk to this gentleman here." I said, "I haven't said anything out of the way; I was just going to shake hands." He said, "You just sit down here and don't pay any attention to this man." At that time I went back to Mr. Meyer, supposed to be the attorney for Mr. Shephard, and told him. I said, "There is Link and Shephard sitting on a bench over there and," I said, "Link's eyes are sticking out of his head, and Shephard is just twisted up like a jackknife." It was through me telling him that they finally got Shephard the next afternoon.

Mr. AUSTRIAN. That is all the third degree you know about, is it?

Mr. WILSON. That was enough, wasn't it?

Mr. AUSTRIAN. Two men sitting on a bench; that was the third degree?

Mr. WILSON. That was part of it; yes.

Mr. AUSTRIAN. Do you know anything more about any third degree, of your own knowledge?

Mr. WILSON. How do you mean?

Mr. AUSTRIAN. Do you know anything more about any third degree of your own knowledge?

Mr. WILSON. No; only what these men said.

Mr. AUSTRIAN. Let us see what experience you have had. You were called before the grand jury, were you not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. You testified?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. After you testified you waited a few minutes and then left the building, did you not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. That was all the third degree you had, was it not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. If White testified that in that room on that occasion on the same day you handed him a package containing $900, was that statement correct or incorrect?

Mr. WILSON. Coming from White, I do not know what you might expect.

Mr. AUSTRIAN. You know whether the statement is correct or incorrect.

Mr. WILSON. I know it is not correct. I did not give him any money; of course, I did not.

Mr. AUSTRIAN. If Beckemeyer testified that on that same occasion you handed him $900 in a package, was that statement correct or incorrect?

Mr. WILSON. It is incorrect, but on the same order as Link's.
Mr. AUSTRIAN. Clark was there, too, was he not?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. You met Clark while this matter was being investigated at Springfield, did you not?
Mr. WILSON. By accident.
Mr. AUSTRIAN. About the 28th of April, was it not?
Mr. WILSON. No; I do not think so; I think it was earlier than that. It was in that week.
Mr. AUSTRIAN. It was in that week?
Mr. WILSON. Yes.
Mr. AUSTRIAN. And Beckemeyer, who was in that room, you also met at Springfield?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. On the same day?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. At the same time?
Mr. WILSON. No, sir; not at the same time.
Mr. AUSTRIAN. Was it not the same day?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. Was it not just as Clark was leaving that Beckemeyer came in?
Mr. WILSON. No, sir.
Mr. AUSTRIAN. Within what period of time was it?
Mr. WILSON. I was sitting at the breakfast table, and Clark happened to be sitting at the next table. He turned around and saw me and said something to me, and said, "I thought I knew that voice," and he stepped over and I shook hands with him. Then later on in the day I met Beckemeyer.
Mr. AUSTRIAN. Did you know Beckemeyer was going to be there?
Mr. WILSON. I did not.
Mr. AUSTRIAN. You were surprised when you saw him, were you?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. Did Beckemeyer and you have any discussion with reference to the incidents of July 15, 1909, which occurred in St. Louis?
Mr. WILSON. No; not in that way.
Mr. AUSTRIAN. In any way?
Mr. WILSON. Yes. He said that some men named Tierney and White were down to his town to see him, and White accused him of receiving money for voting for Mr. Lorimer. I said to him, "Did you get any money?" He said, "No, I did not get any money, and anybody that says so is a G—— d—— liar."
Mr. AUSTRIAN. You know whether he got any money or not?
Mr. WILSON. How do I know?
Mr. AUSTRIAN. He was supposed to have said you gave it to him.
Mr. WILSON. He didn't get any money from me, and that is the answer he gave me.
Mr. AUSTRIAN. Did you and Beckemeyer discuss anything with reference to a meeting in St. Louis having been had on the banquet proposition?
Mr. WILSON. On that day?
Mr. AUSTRIAN. Yes.
Mr. WILSON. No, sir.

Mr. AUSTRIAN. Nothing at all?
Mr. WILSON. No, sir.
Mr. AUSTRIAN. Did you and Beckemeyer discuss the subject of writing letters with reference to the banquet?
Mr. WILSON. No, sir.
Mr. AUSTRIAN. Nothing at all?
Mr. WILSON. Not at all.
Mr. AUSTRIAN. Did you write any letters to Link and Beckemeyer with reference to a banquet for Lee O'Neill Browne?
Mr. WILSON. I may have.
Mr. AUSTRIAN. Were they dated the 26th of June, 1909?
Mr. WILSON. I could not state as to that unless I saw the letters.
Mr. AUSTRIAN. Were those letters written in 1906?
Mr. WILSON. They were, if they were so dated.
Mr. AUSTRIAN. You and Beckemeyer had no discussion on the subject at all?
Mr. WILSON. No, sir.
Mr. AUSTRIAN. If Mr. Beckemeyer testified that you and he upon that occasion discussed the meeting of July 15, 1909, and that the subject was this alleged banquet for Lee O'Neill Browne, and that he talked with you and you talked with him about writing a letter and sending it to the southern Illinois members, fixing a meeting place at St. Louis to discuss the banquet, he testified to something that was not correct, did he?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. You are sure of that?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. And if Link testified to the same thing he testified to something that was not correct?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. Is that correct?
Mr. WILSON. Yes, sir.
Mr. HANECY. I submit that Mr. Link did not so testify.
The CHAIRMAN. The committee can judge of that.
Mr. HANECY. He should not be permitted to assume in his questions that some witness testified to something that he did not testify.
The CHAIRMAN. The committee have the testimony, and it is all being taken down.
Mr. HANECY. The only question, if I may be permitted to state it, is that it misleads and misstates the facts to the witness on which he asks the witness to predicate an answer to his question. Under all rules of law it is not proper or competent.
Mr. AUSTRIAN. Mr. Wilson, did you and Clark discuss the subject of the investigation that I have referred to when you met him in Springfield?
Mr. WILSON. I think so. I think he brought it up in some way.
Mr. AUSTRIAN. Did Mr. Clark tell you where he was bound for or what the purpose of his visit was?
Mr. WILSON. Yes; he did. He told me he was there in regard to some furniture.
Mr. AUSTRIAN. Did he tell you he was going out to see Morris?
Mr. WILSON. No, sir.
Mr. AUSTRIAN. You were there for what purpose?
Mr. WILSON. I was going to Peoria.

Mr. AUSTRIAN. From Chicago?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. You go to Peoria from Chicago by way of Springfield, do you?

Mr. WILSON. Not always, but at this time I wanted to go that way. I had some business at Springfield, something in regard to a charter or something I wanted over there, and to see some member of the—I think Weston, of the secretary's of state's office. Then I went——

Mr. AUSTRIAN (interrupting). Is it not a fact——

Mr. WILSON (interrupting). Let me explain. I can not answer some of your questions without explanation. I left Chicago on the 6.30 train. I could leave for Peoria in the morning, then, by stopping all night at Springfield, or I would have to get up in the morning and leave on the 8 o'clock train. If I did not do that, I could not get another train until 1.25. That would put me down to Peoria at probably 5 or 6 o'clock.

Mr. AUSTRIAN. You could leave on a train from Chicago at 6 o'clock and get to Peoria at 11?

Mr. WILSON. At night?

Mr. AUSTRIAN. Yes.

Mr. WILSON. I did not want to stay at Peoria.

Mr. AUSTRIAN. You could leave Chicago at noon and get to Peoria at 5 o'clock, could you not?

Mr. WILSON. No; you can not leave at noon. You have to leave at 1.25.

Mr. AUSTRIAN. I meant around noon. You could leave at 1.25 and get there at a little after 6 o'clock?

Mr. WILSON. Yes.

Mr. AUSTRIAN. Do you remember now that you can take a 1.25 train from Chicago to Peoria?

Mr. WILSON. Yes.

Mr. AUSTRIAN. You do not know what time you can take a train from St. Louis to Chicago, though?

Mr. WILSON. I do not know anything about that. I will tell you why I know, if you want to know.

The CHAIRMAN. That is not material, it seems to me.

Mr. AUSTRIAN. Mr. Wilson, the letters which I show you purport to be dated June 26, 1909. The first one I show you is addressed "Hon. H. J. C. Beckemeyer, Carlisle, Ill." Is that your signature?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. That is the letter that refers to "Doc" Allison, is it not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. You say "Doc" Allen was speaking to you in regard to the banquet?

Mr. HANECY. You mean "Doc" Allison?

Mr. AUSTRIAN. I said Allison.

Mr. HANECY. You said Allen.

Mr. AUSTRIAN. No; I did not; I said Allison.

Mr. HANECY. All right.

Mr. AUSTRIAN. Mr. Wilson, that time that you talked with "Doc" Allison about that banquet was about the 4th of June, was it not?

Mr. WILSON. About when?

Mr. AUSTRIAN. The 4th of June.

Mr. WILSON. No; it was later than that.
Mr. AUSTRIAN. When was it?
Mr. WILSON. I could not say as to that. It was some time in June.
Mr. AUSTRIAN. You did not even report to "Doc" Allison the result of the conferences you had with the southern Illinois members at St. Louis?
Mr. WILSON. I certainly did.
Mr. AUSTRIAN. Did you not testify before the grand jury that you did not?
Mr. WILSON. No; I did not; I said I thought I called him up on the phone.
Mr. AUSTRIAN. That is your testimony now?
Mr. WILSON. I think so; yes.
Mr. AUSTRIAN. Mr. Wilson, if Beckemeyer says that you and he discussed the writing of that letter and that it was sent to him and received by him in April or May of 1910, that statement is incorrect, too, is it?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. And it was sent on or about the day it bears date?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. Look at the letter I now hand you and tell me whether or not that is your signature.
Mr. WILSON. I presume it is. It does not look like my "B," but I presume it is. I have some idea that may be.
Mr. AUSTRIAN. Looking at the signature, you believe it is not your signature?
Mr. WILSON. No; I do not say that. I say I believe it is.
Mr. AUSTRIAN. It does not look like your signature, does it?
Mr. WILSON. The "B" does not look like mine.
Mr. AUSTRIAN. You would recognize your own signature, would you not?
Mr. WILSON. It may be possible I had somebody write this for me.
Judge HANECY. That is not his signature; it is merely "Bob."
Mr. AUSTRIAN. It is his signature just as much as if it was "Robert C. Wilson."
Mr. WILSON. That is what I am getting at.
Mr. AUSTRIAN. It is just as much his signature as if he signed with a cross mark.
Mr. WILSON. I may have had somebody write this letter and sign it without my signing it.
Mr. AUSTRIAN. Will you tell the committee you did have somebody write the letter and did have somebody sign "Bob" for you?
Mr. WILSON. I may have written this letter myself. I have a typewriter. I may have had somebody write it for me. If it were in ink I could tell if it was my writing.
Mr. AUSTRIAN. Will you give the subcommittee the best understanding you have with reference to that letter, whether or not you wrote it, and whether or not you signed it.
Mr. WILSON. As to that, I could not say that I wrote it nor could not say that—I no doubt had somebody write it.
Mr. AUSTRIAN. What makes you believe that you no doubt had somebody write it?

Senator GAMBLE. Is that your letter? Did you dictate and did you sign it?

Mr. WILSON. I no doubt did; yes.

The CHAIRMAN. Is it your signature attached to it?

Mr. WILSON. One of those is signed "Robert E." and the other is signed "Bob." It is natural, I think, with Link. This letter is to Link, "Dear Mike," and the chances are I may have signed it "Bob," because he calls me "Bob." It may be possible in that way. I can not say I sat down and wrote these letters myself, but there is no doubt I had somebody write them.

Mr. AUSTRIAN. And if you did not write them yourself, who did write them?

Mr. WILSON. I can not say as to that.

Mr. AUSTRIAN. Was it Browne's secretary?

Mr. WILSON. Sometimes he writes for me.

Senator HEYBURN. If he accepts the responsibility for the letter, what is the occasion for going any further into it?

Mr. AUSTRIAN. Was this letter sent to Mike Link on or about the day it bears date?

Mr. WILSON. Was one of these sent to Mike Link?

Mr. AUSTRIAN. No; the one that purports to be addressed to him.

Mr. WILSON. Yes.

Mr. AUSTRIAN. That was sent on or about the 26th of June, 1909?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. And not in 1910?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. And not after your talk with Beckemeyer in Springfield?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. At the time you had this discussion with Clark, what did you say in response to his telling you that there was an investigation being had?

Mr. WILSON. He said——

Mr. AUSTRIAN (interrupting). And what did he say to you?

Mr. WILSON. He did not say anything about the investigation.

Mr. AUSTRIAN. Did he say anything about Tierney?

Mr. WILSON. Yes, sir; he said Tierney and White were there, and he went over some talk, as I understood, in regard to their receiving money for voting for Mr. Lorimer and also from me, and he said something about it, and I said, "There is nothing to it; I do not believe there is a thing to it."

Mr. AUSTRIAN. That is what he said and what you said?

Mr. WILSON. Something like that.

Mr. AUSTRIAN. What did you tell Beckemeyer when you had a meeting with him and discussion of this subject at Springfield?

Mr. WILSON. I told him about the same thing. I said that, so far as I knew, there was not anything to it.

Mr. AUSTRIAN. What did you tell Clark when you met him in Chicago the Sunday preceding that interview at Springfield?

Mr. WILSON. What Sunday?

Mr. AUSTRAN. Shephard, I mean. You met Shephard in Chicago, did you not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. The Sunday preceding your meeting with Clark and Beckemeyer at Springfield?

Mr. WILSON. No, sir; I would not say as to that.

Mr. AUSTRIAN. What Sunday did you meet him?

Mr. WILSON. I could not say what date it was.

Mr. AUSTRIAN. It was on or about that time, wasn't it?

Mr. WILSON. Just a minute. I can not think just of those dates right off. This was some time ago. I met Mr. Clark——

Mr. AUSTRIAN (interrupting). You mean Mr. Shephard?

Mr. WILSON. You mentioned Clark, and that is how I got twisted. I met Mr. Shephard one Sunday; the date I can not say. Mr. Dawson and myself came down town. He had a meeting. There was some Democratic meeting, and we went into the Briggs House and met Shephard in the lobby, and he no doubt—if that was after Tierney had seen him—he no doubt brought up that subject, but I can not recollect it now.

Mr. AUSTRIAN. You have no recollection of any discussion with Shephard on the subject at all, then, in the Briggs House?

Mr. WILSON. I did not say I did not have.

Mr. AUSTRIAN. I am asking for your recollection of what the discussion was or what you stated to him and what he stated to you.

Mr. WILSON. No; I have not. If it was after Tierney had been there, there was no doubt that subject came up.

Mr. AUSTRIAN. Was Browne present at that interview?

Mr. WILSON. He was in the lobby with us.

Mr. AUSTRIAN. Was he in the barroom sitting down on a settee?

Mr. WILSON. It may have been in the barroom; I do not know just where; we were in both places.

Mr. AUSTRIAN. Dawson, to whom you refer, is Tom Dawson, the lawyer?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. And you and Shephard and Dawson and Browne were there together, were you not?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. Who were there together?

Mr. WILSON. Dawson was not there with us.

Mr. AUSTRIAN. Dawson had left you, had he?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. Dawson had been there?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. When did Dawson leave?

Mr. WILSON. Dawson came in, and, wherever he was going to this meeting, he went on to it.

Mr. AUSTRIAN. What discussion, if any, do you recall that you had with Shephard on the St. Louis meeting?

Mr. WILSON. To the best of my knowledge, it was probably on the same line as with the others that he brought this up, but outside of that I have not any recollection. If it was after the time that Tierney saw him, then there is no doubt that that discussion came up.

Mr. AUSTRIAN. Mr. Wilson, I show you a letter that was written by Lee O'Neil Browne to Hon. Charles A. White, dated Ottawa,

Ill., July 16, 1909, and I want to call your particular attention to the sentence therein contained reading as follows:

I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis.

Looking at that letter, I will ask you now whether or not your recollection is refreshed as to whether or not Browne intended to go to St. Louis, so far as you know?

Mr. WILSON. I do not really know. I think probably he did. He had some political stuff, I think——

Mr. AUSTRIAN (interrupting). So if Browne had intended to go to St. Louis on that day, you are not prepared to say that the meeting was to be had with reference to a banquet for Browne himself?

Mr. WILSON. No; not at all.

Mr. AUSTRIAN. Mr. Wilson, this banquet you have referred to was a banquet to be given the minority leader, Mr. Browne?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. And by minority leader I mean Democratic leader?

Mr. WILSON. That is, of his faction.

Mr. AUSTRIAN. That was a dinner which was to be given to him by the members of his faction?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. They were to pay for it, were they not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. It was a complimentary dinner to him?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. Would you not think it a little unusual for Mr. Browne to attend that meeting with reference to a dinner to be given to himself?

Mr. WILSON. I have not stated that he was to attend that meeting with reference to the banquet.

Mr. AUSTRIAN. To go to St. Louis to meet the southern Illinois members?

Mr. WILSON. Whatever political business he had or reason for going there, that was his. I had not anything to do with it.

Mr. AUSTRIAN. Yo do not know what reason he had for going there?

Mr. WILSON. No, sir. Possibly politics.

Mr. AUSTRIAN. You know it was to meet the southern Illinois members in St. Louis on the 21st day of June, do you not?

Mr. WILSON. I did not know it at that time.

Mr. AUSTRIAN. You have learned it since?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. I omitted to ask you, Mr. Wilson, when you came into the hotel whether you registered—at St. Louis, I mean?

Mr. WILSON. I dare say I did; yes.

Mr. AUSTRIAN. You may have and did meet some members down in the lobby, did you not?

Mr. WILSON. I do not think until after I registered and until after I was in my room.

Mr. AUSTRIAN. Was it not a little unusual for you to take a room in the hotel and register if you intended to leave so shortly?

Mr. WILSON. I do not know. A man that is going to stay for dinner, or anything, usually registers. I suppose I would, of course.

Mr. AUSTRIAN. You did stay for dinner, did you?

Mr. WILSON. No; I did not.

Mr. AUSTRIAN. You occupied this room for a few hours, did you?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. And prior to going to the room you met some members whom you had gone to meet down in the lobby of the hotel?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. Is it not a fact that you met Beckemeyer as you were coming into the hotel?

Mr. WILSON. I do not think so.

Mr. AUSTRIAN. Or any other southern Illinois members?

Mr. WILSON. I do not remember meeting any of them until after I was in my room.

Mr. AUSTRIAN. Then you went down in the lobby and met some of them, did you not?

Mr. WILSON. It may possibly be.

Mr. AUSTRIAN. Did you not go upstairs with some of the southern Illinois members?

Mr. WILSON. I would not say as to that. That might happen. A man can not remember all those things, Mr. Austrian.

Mr. AUSTRIAN. I know that, Mr. Wilson, I know that. Will you tell the subcommittee, if you please, which one of the southern Illinois members first came into your room?

Mr. WILSON. The best of my recollection is it was Beckemeyer.

Mr. AUSTRIAN. He stayed for some time, did he?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. Did you discuss with him the subject of Lee O'Neil's banquet?

Mr. WILSON. I dare say I did, and probably other things.

Mr. AUSTRIAN. Who was the next man who came in?

Mr. WILSON. I can not recollect. All I can do is to make a chance guess.

Mr. AUSTRIAN. I do not want any guesses.

Mr. WILSON. I can not say.

Mr. AUSTRIAN. Yo do not know?

Mr. WILSON. I think probably it was—I was going to say Shephard; I think it was.

Mr. AUSTRIAN. Who was the next man who came in?

Mr. WILSON. I do not know whether they came in next singly or together.

Mr. AUSTRIAN. White came in, did he not?

Mr. WILSON. Yes.

Mr. AUSTRIAN. You expected to meet White there?

Mr. WILSON. I do not know that I did.

Mr. AUSTRIAN. You caused him to be notified?

Mr. WILSON. Beckemeyer—I say that; yes. Probably when I sent word to the southern members—he was one of those southern members, but he told me that Beckemeyer met him on the street and told him I was in town.

Mr. AUSTRIAN. You never sent, or caused to be sent, a telegram to White reading as follows:

Meet me to-morrow forenoon without fail at Southern Hotel, St. Louis. Give me answer at once, care of Briggs Hotel, Chicago.

ROBERT E. WILSON.

Mr. WILSON. I just said a while ago I may have given somebody authority to send this, but at the time when I saw that telegram it was so near my handwriting that I supposed somebody had written that signature to look as though I had absolutely sent that.

Mr. AUSTRIAN. You now tell the committee you may have given some one authority to send that?

Mr. WILSON. Yes. I went down to the telegraph office and tried to get the original of this telegram.

Mr. AUSTRIAN. It was not very material, was it?

Mr. WILSON. It was to me.

Mr. AUSTRIAN. You expected White to be notified, did you not?

Mr. WILSON. I do not know that I did.

Mr. AUSTRIAN. Did you not expect to meet White, one of the southern Illinois members, at St. Louis?

Mr. WILSON. I say about that, I do not know that I expected to meet White. I may have had some one send those telegrams to the southern members, and White, being one of those southern members, received one.

Mr. AUSTRIAN. Mr. Wilson, if you did not get replies from the southern Illinois members, how do you know that any of them were going to meet you at St. Louis?

Mr. Wilson. If I sent word to you in some way I would think you would be there. Would it be necessary for me to have a reply?

Mr. AUSTRIAN. If I was going to travel a thousand or 500 miles, yes.

Mr. WILSON. How many miles it is from where they live?

Mr. AUSTRIAN. You know better than I do; you are more familiar with the trains.

Mr. WILSON. It is only 264 miles from Chicago.

Mr. AUSTRIAN. It is an all-night journey?

Mr. WILSON. It is, on a slow train.

Mr. AUSTRIAN. The only train you can take leaves at night.

The CHAIRMAN. Did you, as a matter of fact, get any reply from any of them?

Mr. WILSON. Not that I know of.

The CHAIRMAN. You know whether you did or not?

Mr. WILSON. Yes, sir.

The CHAIRMAN. Did you?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. Then, when Shephard came in the room, did you expect to see him in St. Louis?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. You know what Shephard testified with reference to meeting you in St. Louis?

Mr. WILSON. No. I will tell you how I knew Shephard was to be there. He met somebody on the street. He was there on some business——

Mr. AUSTRIAN (interrupting). He was there to get some packing for an automobile?

Mr. WILSON. I do not know as to that.

Mr. AUSTRIAN. Did he not tell you that?

Mr. WILSON. I do not know that he did.

Mr. AUSTRIAN. That is all.

Examination by Mr. HANECY:

Mr. HANECY. Mr. Wilson, did you ever pay White, Link, Beckemeyer, Holtslaw, or any other member of the general assembly, any money or anything of value, at any time, to vote for William Lorimer for United States Senator?

Mr. WILSON. Absolutely no.

Mr. HANECY. Did you ever pay anybody any money or any other thing of value, at any time, because they or anybody else had voted for William Lorimer for United States Senator?

Mr. WILSON. No, sir.

Mr. HANECY. That is all.

Mr. AUSTRIAN. I desire to ask just one question further, Mr. Chairman.

The CHAIRMAN. Proceed.

Mr. AUSTRIAN. Mr. Wilson, if Mr. Shephard testified "He (referring to you) took me in there (referring to the bathroom) and asked me a question—I will tell you the question, if you want to know what it is. He asked me who the lady was he saw me with in the St. Nicholas Hotel, in Springfield." If he testified as I have just read, was that testimony correct or incorrect?

Mr. WILSON. It may have been correct, but I can not recollect. As I say, it did not seem to be material at all, and I paid no more attention to it.

Mr. AUSTRIAN. Were you not asked before the grand jury with reference to the conversation that you had with Shephard in the bath room, and did you not testify as follows:

I really can not recollect, but it was something in regard to the call for this banquet.

Did you not so testify?

Mr. WILSON. I may have.

Mr. AUSTRIAN. That is all.

Mr. HANECY. That is all, Mr. Chairman.

Examination by Senator FRAZIER:

Senator FRAZIER. Mr. Wilson, what time did you say it was that you left Chicago, about the time that the subcommittee met there for the purpose of beginning this investigation?

Mr. WILSON. Some time after the primaries, about—I can not just say as to the number of days, but it was—I think it was about a week after the primaries.

Senator FRAZIER. On what date were the primaries held?

Mr. WILSON. The 15th of September.

Senator FRAZIER. Where did you go then, when you left Chicago?

Mr. WILSON. I took the train and went to Detroit, where I stayed for two days. You may ask me—I might start out in this way: I had been to Doctor Snyder, of Milwaukee, for a month before the primaries, up to the 1st of September, and during that time I would receive telephones and messages and people would come up to see me, and so forth, so that I virtually did not get the rest that I should have gotten under the treatment. You know how you will be disturbed. So I was going back again to be treated afterwards. He told me to come back. But he had gone to Europe in the meantime. He left some time in September, probably; I think he left the 17th or 18th of September. Consequently I could not go there, so I was going to

go to Mount Clemens, thinking probably the water and everything would help me out. My nerves were all shattered to pieces. I had gone through a campaign of two weeks and the primaries were coming on over there where I had been tied up for a month, and my nerves were wrecked. In fact——

Senator FRAZIER (interposing). I am not so much interested in your nerves as I am in where you were. Just tell us that.

Mr. WILSON. I met a friend of mine there and he asked me where I was going. I told him I was going to Mount Clemens. He said, "If I were you, I would not go there, because you can not get any rest there. There are more people there than you will meet around your own home in Chicago." He said, "I am going to take a trip, and you can find some quiet places there. I am going on a ways, but you can get some place where you can rest." So I took a trip with him. The first place I stopped at was St. Thomas. He went on then; I went on then to Toronto. He went on to Montreal, and I met him then coming back, and he stopped at Toronto for a day. He came in Saturday night and he left on Monday night. I had been taking treatment with the medicines I had. My eyes and health were getting along much better; in fact, I gained 12 pounds while I had been there. So I stayed, with the exception that I made a trip by boat over to Niagara Falls. Outside of that I stayed there, and came back the day before the last primaries.

Senator FRAZIER. What date was that?

Mr. WILSON. Really—I think that was the——

Mr. AUSTRIAN. You mean the election?

Mr. HANECY. You mean the registration, do you not?

Mr. WILSON. The last registration day. That was two weeks before election.

Senator FRAZIER. Can you give the date? Would you not know about that?

Mr. WILSON. I think it was the 17th of October.

Mr. KELLEY. The 16th of September.

Mr. HANECY. The last day of registration was either the 16th or 17th of October.

Mr. WILSON. I think it was the 17th of October.

Senator FRAZIER. You went to Detroit and from there to Toronto, Canada?

Mr. WILSON. Yes, sir.

Senator FRAZIER. And remained there or thereabouts until you returned to Chicago about the 17th of October?

Mr. WILSON. Yes, sir. Then I called up my——

Senator FRAZIER (interposing). Before you left Chicago, had you seen any notice in the newspapers or otherwise that this subcommittee was going to meet in Chicago for the purpose of making this investigation?

Mr. WILSON. No. I had known they were going to meet early; but I had not known at that time about what time they were going to meet.

Senator FRAZIER. You had no information whatever then that this committee was going to meet in Chicago at the time it did meet, or about that time?

Mr. WILSON. No; not around that time.

Senator FRAZIER. Did you leave any information with your people or your family or with your business associates as to where you were going or where you could be reached?

Mr. WILSON. No, I did not; because I am in the habit of going away and they do not pay much attention to me. If I go out, I come back, and that is all there is to it.

Senator FRAZIER. As a matter of fact, you did not inform anyone in Chicago as to where you could be reached?

Mr. WILSON. No, I did not; because I felt I needed the rest and it would be much better I should go some place, as I say, so I would not be troubled or disturbed, as I was. I have just come back from Milwaukee now. I was there until last Saturday night.

Senator FRAZIER. During your absence, did you learn this committee was in session in Chicago at all?

Mr. WILSON. No, sir.

Senator FRAZIER. Did you see the Chicago papers?

Mr. WILSON. No, sir. I have not read a paper for six weeks.

Senator FRAZIER. Did you get any letter or any information from anybody that this committee was hearing proof in Chicago?

Mr. WILSON. No, sir; none whatever.

Senator FRAZIER. That is all.

The CHAIRMAN. Your absence, then, during this time, was not for the purpose of avoiding the service of a subpœna?

Mr. WILSON. Absolutely; no, sir.

The CHAIRMAN. And not for the purpose of avoiding testifying before the committee?

Mr. WILSON. No, sir; because I felt that nobody was asking me to testify. Nobody had accused me of having anything to do with the election of Lorimer. They had not asked me, even in the grand jury.

The CHAIRMAN. I wish, Mr. Stenographer, you would repeat the questions that were asked the witness by Mr. Hanecy with reference to the payment of money.

The STENOGRAPHER (reading):

Mr. HANECY. Mr. Wilson, did you ever pay White, Link, Beckemeyer, Holtslaw, or any other member of the general assembly any money or anything of value at any time to vote for William Lorimer for United States Senator?

Mr. WILSON. Absolutely no.

Mr. HANECY. Did you ever pay anybody any money or any other thing of value at any time because they or anybody else had voted for William Lorimer for United States Senator?

Mr. WILSON. No, sir.

The CHAIRMAN. Are you a member of the legislature now?

Mr. WILSON. Yes, sir.

Mr. HANECY. Were you renominated at a direct primary?

Mr. WILSON. Yes, sir.

Mr. HANECY. In your district?

Mr. WILSON. Yes, sir.

Mr. HANECY. Chicago?

Mr. WILSON. Yes, sir.

Mr. HANECY. On the 15th of September?

Mr. WILSON. Yes, sir.

Mr. HANECY. And were you reelected on the 8th of November?

Mr. WILSON. Yes, sir.

Mr. HANECY. For two years more; the session that will commence next January?

Mr. WILSON. Yes, sir.

The CHAIRMAN. Is there anything else of this witness?

Mr. HANECY. Yes, Mr. Chairman.

Where is Mount Clemens with reference to Detroit?

Mr. WILSON. About 20 miles or so, I understand, from Detroit by trolley.

Mr. HANECY. Did you go away or stay away from Chicago because of the sitting, or the prospective sitting, of this honorable committee in this matter?

Mr. WILSON. No, sir.

The CHAIRMAN. He stated he did not go away for that reason.

Mr. HANECY. I covered his staying away also.

The CHAIRMAN. Yes.

Mr. HANECY. How much did you weigh before you had this trouble with your eyes?

Mr. WILSON. In the beginning I weighed 200 pounds before all this trouble came about.

Mr. HANECY. How much did you lose during the time?

Mr. WILSON. I lost 30 pounds.

Mr. HANECY. At what time?

The CHAIRMAN. Do you think that is really material?

Mr. HANECY. I do not think anything was material except the question of whether he paid any money or not, but it does throw some light on the question that this honorable committee seemed to think was quite important in the light that he had at that time—that is, the actual condition of this witness' health when this honorable committee sat in Chicago.

The CHAIRMAN. He stated he did not absent himself for the purpose of avoiding the committee.

Mr. HANECY. I want to show, in addition to that, that he lost 30 pounds.

Senator GAMBLE. And in the meantime, while he was away, he gained 12 pounds?

Mr. HANECY. Yes; he gained 12 pounds by the treatment he took.

Senator GAMBLE. The committee has its own opinion individually as to the impossibility of securing the service of a subpœna upon him. Of course the witness now has given his explanation, and that is for the committee to determine.

Mr. HANECY. I think that might be an element that would be of more or less importance in determining that question.

Senator HEYBURN. I think this statement regarding the witness's weight might very properly be omitted from the record when transcribed.

Mr. AUSTRIAN. Mount Clemens is only 20 miles from Detroit, is it not?

Mr. WILSON. I do not say it is that. I do not know just exactly.

Mr. AUSTRIAN. About 20 or 30 miles.

The CHAIRMAN. It is about that. It is reached by street car.

Mr. AUSTRIAN. You did not go over to Mount Clemens?

Mr. WILSON. No, sir.

Mr. AUSTRIAN. You went to St. Thomas, did you not?

Mr. WILSON. Yes, sir.

Mr. AUSTRIAN. That is in Canada?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. And you remained there?
Mr. WILSON. No, sir.
Mr. AUSTRIAN. Or in or about Toronto or St. Thomas, except the one trip you took by boat?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. Lee O'Neil Browne was reelected too, was he not?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. By direct primary?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. John Broderick was reelected too, was he not?
Mr. WILSON. So I understand.
Mr. AUSTRIAN. You know he was, do you not?
Mr. WILSON. Yes.
Mr. HANECY. Holtslaw holds over?
Mr. AUSTRIAN. Yes.
Mr. HANECY. And was told not to resign, although he sent his resignation to the wrong party?
Mr. AUSTRIAN. That is probably because the same stamp of man would have been reelected otherwise.
The CHAIRMAN. Have you anything further to produce? Have you any further witness?
Mr. HANECY. No, sir.
The CHAIRMAN. Have you any further witnesses?
Mr. AUSTRIAN. No, sir.
Mr. HANECY. May I ask this: In my brief I find on page 187 the printer has made a mistake at the bottom of the page in printing "7,500" instead of "75,000." On the first line of the second paragraph, on the same page, is printed the word "these" instead of "three." As printed it reads:

He testified he violated these penal statutes of Illinois for $1,000, perjury, bribery, and malfeasance in office.

It should read as follows:

He testified he violated three penal statutes of Illinois for $1,000, perjury, bribery, and malfeasance in office.

Senator FRAZIER. You do not need any assistance from the committee to correct your brief.
Mr. HANECY. It was only the suggestion of Mr. Senator Frazier that probably it should be in accordance with the fact, and the fact is that it should be printed "75,000" instead of "7,500."
The CHAIRMAN. You may make in writing such corrections as you want to in your brief.
Mr. HANECY. I thought if I called the attention of this honorable committee to it, it would be better.
The CHAIRMAN. That would be sufficient.
Mr. HANECY. There is one other question I would like to state to this honorable committee. I desire to cite the honorable committee to the case of People *v.* Evans, in the Fortieth New York, in support of one of the propositions in my brief and in reply to one of the learned counsel on the other side; that is the proposition that a witness who has committed perjury is not a credible witness, and no conviction can be had upon and no credit given to that witness's testi-

mony. The reply of learned counsel on the other side is that that is not the fact, unless there has been a conviction of the infamous offense—that there must be a judgment of a court of record finding him infamous. But the court of appeals of New York, in the Fortieth New York Reports, has held the other way.

The CHAIRMAN. I suppose if you have any additions to your brief, you should make a statement of it and submit it to counsel on the other side, and if he has any reply, let him make reply.

Mr. HANECY. It is the case of People *v.* Evans, Fortieth New York, page 1. I have a copy of the opinion of the court.

Senator HEYBURN. It is available to all of us.

Senator GAMBLE. What is the page of the report?

Mr. HANECY. Page 1. I have had copies made which I will hand to the members of this honorable committee.

Mr. AUSTRIAN. That is not the proposition counsel advanced at all. The proposition advanced is that they were not competent witnesses. The fact they have been convicted of a crime of committing perjury goes to the weight of their evidence.

The CHAIRMAN. You will see this case, and if you have any answer to make to it you can do so and hand it to the committee.

Mr. HANECY. That is all, Mr. Chairman.

Mr. AUSTRIAN. May I be permitted, Mr. Chairman, to say I should like to make, if it is not out of order, a formal request, if that is in order, to present this case orally to the whole committee. I do not know whether that is the proper procedure or not, but I spoke to the chairman about it before the convening of the subcommittee and I stated if it was not out of order I should like to make that request.

The CHAIRMAN. It is all right to make the request and it will be taken into consideration by the subcommittee. The subcommittee will now go into executive session and others than members of the committee will retire.

(Thereupon, at 3.15 o'clock p. m., the subcommittee went into executive session.)

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Griffin, John, member of forty-sixth general assembly; Democrat; house; teaming; Chicago, Ill.:
Testimony of 572
Groves, Jacob, member of general assembly; Democrat; house; Camp Point, Ill.:
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Holstlaw, D. W., member of general assembly; Democrat; house; farmer and stock buyer, Iuka, Ill.:
Testimony of 196, 683
Hull, Fred G., secretary to chief clerk of president of Illinois Central:
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Kirkpatrick, Thomas P., Collinsville, Ill. (in 1909 working for Grand Leader Co. of St. Louis):
Testimony of 222
Link, Michael, member of general assembly; Democrat; house; Mitchell, Ill.:
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Luke, Mrs. Charles S.:
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McCann, Paul, page in house, forty-sixth general assembly:
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Meyers, George W., member of forty-sixth general assembly; Democrat; house; banker; Paris, Ill.:
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Newton, Jarvis O., chief clerk State Bank of Chicago, Ill.:
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Rossell, William, president International Association of Machinists and secretary of joint legislative committee of the forty-sixth general assembly:
Testimony of..... 452
Shaw, Homer E., member of forty-sixth general assembly; Democrat; house; Bement, Ill.:
Testimony of..... 500
Shephard, Henry A., member of general assembly; cashier State Bank, Jerseyville, Ill.:
Testimony of..... 316
Shurtleff, Edward, member of forty-sixth general assembly; Republican; speaker of the house; attorney at law, Marengo, Ill.:
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Simmons, Charles H., engineer and contractor, Chicago, Ill.:
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Stermer, William H., assistant manager Briggs Hotel Co., Chicago, Ill.:
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Terrill, Henry, member of forty-sixth general assembly; Democrat; house; merchant; Colchester, Ill.:
Testimony of..... 497, 680
Vandeveer, Mollie, stenographer, East St. Louis, Ill.:
Testimony of..... 271
Wayman, J. M. E. W., state's attorney, Cook County, Ill.:
Testimony of..... 368
White, Charles A., member of general assembly; Democrat; house (no employment at present), O'Fallon, Ill.:
Testimony of..... 37
Wilson, Robert E., member of forty-sixth general assembly; Democrat; house; real estate; Chicago, Ill.:
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Woods, Katherine A., cigar stand, Elmer Hotel, East St. Louis, Ill.:
Testimony of..... 524
Wright, Edwin R., president Illinois Federation of Labor:
Testimony of..... 345
Zentner, Fred, traveling salesman:
Testimony of..... 537

A.

Alschuler, George W., member of forty-sixth general assembly, house, real estate, insurance, and loans, Aurora, Ill., testimony of..... 470
Am friendly with Col. Copely, a Republican..... 476
As to Democrats I had talked with in regard to Senatorship..... 482
As to length of roll call day Lorimer elected..... 481
As to where Browne was during the session when Lorimer was elected. 478, 479, 480
As to where I sat with reference to Browne and Meyers..... 471
Brother of Samuel Alschuler, Democratic candidate for governor in 1900.. 470
Browne and I had conversed with reference to who were going to vote for Lorimer. Browne said he had enough, he thought, the night of the 25th..... 481, 482
Copely is now nominee for Congress for that district; he was at Springfield part of the session; he was for Lorimer and was a close friend of Governor Deneen..... 477
Don't think I told Browne of any Democrats I had got to vote for Lorimer. 481, 482
Do not remember whom I talked to that morning before voting for Lorimer; never left my seat; was right there and saw Browne..... 474, 475

Alschuler, George W.—Continued. Page.
During ballot for Senator, Browne being minority leader, eyes would naturally be on him..... 471
English made a speech day of Lorimer's election..... 484
First knew Meyers last session; believed him truthful until this testimony of his as to coming down to Browne's desk; he did not come..... 474
I mean to say after 12 o'clock, when vote was being taken, my eyes were on Browne..... 476
I was a Browne factionist..... 474
Lorimer had been voted for before May 26..... 473, 474
McCann, page, did most of Browne's work..... 477
McCann, page, was standing at the desk of Browne; he went to the clerk and got some roll calls and brought them back and handed me one 471
Member of legislature, Democratic, now..... 470
Most of my talk with Democrats was to defeat Hopkins..... 472, 473
Never spoke of Dan Barnes in connection with the Senator..... 476
No money that I know of at Springfield for the election of Senator; haven't said there was..... 475, 476
Nobody offered me anything to vote for Lorimer..... 472
Number of speeches were made day of Lorimer election; Browne spoke during the joint session before his name was called..... 483, 484
Reasons for watching Browne..... 479, 480
Senator Hopkins and I were hostile..... 472
Senator Hopkins lives in my town..... 470
Tippit was the leader of the minority faction of the Democratic side; he voted for Lorimer. (Witness names Blair and others as members of Tippit faction, all of whom voted for Lorimer.)..... 485
Voted for Lorimer..... 471
When the senators came in some of the house vacated their seats, and there was considerable confusion at the time..... 483

B.

Banquet for Browne (Beckemeyer)..... 402, 409
Banquet for Browne (Browne)..... 611, 612
Banquet for Browne (Wilson)..... 728, 735
Barnes, Clifford W.:
Affidavit and letter of..... 3
Prefers not to appear personally or by attorney..... 15
Was not prepared to offer anything in support of charges, but requested Chicago Tribune be permitted to appear by counsel (Heyburn; Report, 15).
Beckemeyer, H. J. C., Democratic member of house 1906 and 1908; attorney-at-law, Carlyle, Ill., testimony of..... 224, 402
Abrahams, Emanuel; know him; Democratic member of legislature; was at his place, think April 30, 1910; we talked about election of Lorimer; Welch, of Carlyle, was present (details of conversation with Abrahams). 231, 232
After talk with Browne I inquired of other Democrats who said they were going to vote for Lorimer; several said they were not going to..... 225
Arnold talked about the grand jury indicting me..... 255
As I remember, conversation Link and I had was beginning of first trial of Browne while we were waiting as witnesses; Link had then been indicted. 249
As to conversation had with Officer Keeley when he took me out to dinner. 243
As to conversation with Link, and my saying our testimony ought to fit in this case, and Link's reply..... 248
As to how I came to be in custody of an officer; he lived at the hotel part of the time in my home town; in Chicago he went with me every place... 260, 261
As to how long officer stayed with me after I first appeared before grand jury; reasons why I went out of the State; Mermaine, officer of the State's attorney's office, went with me; he kept me from being summoned before the Springfield grand jury..... 258
As to list of names Browne presented to me on the 24th; think it had a goodly number of Democrats on; I said to Browne, "I've found that all the boys were going to vote that way and I was going to vote with them;" as result of that I took this $1,000..... 257
As to meeting Clark, Wilson, Shephard, and White at St. Louis.... 403, 404, 405
As to meeting Tierney (Turner) in my home town, and conversation held. 405, 406, 407, 408

Beckemeyer, H. J. C.—Continued. Page.
As to my testimony at first trial of People *v.* Browne..... 252
As to stating to Welch and Keeley that I would have to go and ask Wayman what I said to the grand jury..... 245
As to the different times I testified before the grand jury..... 242
As to what Browne gave me the $1,000 for on the 21st of June; he stated, "Here is the Lorimer money, and there will be some more in a few weeks," could not possibly infer anything else $1,000 was paid me in consequence of my having voted for Lorimer..... 256
As to where I went with Officer Keeley..... 245
As to whether I received $1,000 as a bribe..... 410
As well as I remember, had no talk with Wayman or Arnold before I went into the grand jury room, a week or so after publication of story in Tribune..... 237
Asked as to testimony at second trial of People *v.* Browne..... 250
At the time Browne gave me the $1,000 he said there would be some more in the future; received a telegram subsequently from Robert E. Wilson, Democratic member of house from Cook County, which I destroyed immediately, to meet Wilson in St. Louis..... 228
At time I was subpœnaed to come before grand jury my wife was very sick; think there was one time they sent for me to come home..... 252
At Wilson's room think he made statement that he had a $500 note that he was instructed to give Shephard; seems to me he said Browne told him to..... 229
Browne at no time or place before Lorimer was elected ever told me that he or anybody would give me anything if I voted for Lorimer..... 234, 235
Called on Gov. Deneen and asked what he thought of my resigning legislative office; this was after I had made statement of receiving $1,000 and $900; he told me to ask Wayman's advice..... 409
Chicago Daily News, think possibly received a communication from the managing editor of; think I wrote to him; sent a telegram to him dated May 2, 1910..... 230
Circumstances as to Browne's giving me the $1,000..... 227, 228
Did not tell grand jury I never was promised money or never understood was to get money before I voted for Lorimer; think about all I said was that I received $1,000 that was supposed, as I understood, to be Lorimer money..... 239, 240
Did not understand before $1,000 was paid me that I was to be paid any sum for voting for Lorimer..... 259
Did not vote for Lorimer because of any promise from any source that I would receive anything of value; was willing to go with the majority of the boys any place at any time..... 235
Dispatch to managing editor Chicago Daily News: "No one ever talked to me about money for voting for Lorimer * * *; know nothing of a jackpot, etc."..... 230
Do not know who requested me to go to Browne's room; in my mind it was Michael Giblin, Browne's private secretary..... 225
Do not remember saying to Browne I would rather vote for Lorimer than any other Republican I knew, etc.; did ask him what Democrats he knew would vote for Lorimer..... 233
Do not remember that I told Arnold or Marshall that I hadn't received any money from Browne or anybody for voting for Lorimer; I might have some time during the day..... 247
Do not think I mentioned Lorimer's name at my home; did mention to some leading Democrats of my district question of voting for Republican..... 233, 234
Do not think I told Wayman that I never got anything for voting for Lorimer..... 236
Do not think many Democrats would have voted for Deneen..... 233
During time I went into custody about first week in May until after June 30th my hotel bills were paid by the officer with me; little incidental expenses I paid myself..... 260
First time I went before grand jury I was not asked whether I had been paid or promised anything for voting for Lorimer..... 237, 238
Gavin, John, had conversation with, when officer was with me (conversation with Gavin detailed)..... 249, 250, 251
Gavin asked me whether it was Keeley that got the confession out of me; I answered, "No"; think possibly I called Wayman a four flusher..... 251

Beckemeyer, H. J. C.—Continued. Page.
Had no indication that if I did vote for Lorimer I was to be paid anything of value 235
Had not voted for Lorimer or any other Republican until 26th of May, when I voted for Lorimer 257
Had talk with Browne before I voted for Lorimer (conversation given); discussed voting for anybody to beat Hopkins; number of us expressed willingness to vote for Shurtleff, who was speaker of the house 232
I stated at first Browne trial that the $1,000 I got was Lorimer money 259
I told Turner that I never got any money for voting for William Lorimer, and that I never received any because I had voted for him; that was not the truth 408
I voted for Shurtleff for speaker of the house; practically every Democrat in house voted for Shurtleff for speaker 232
Knew letter from Wilson was antedated when I received it; reasons for destroying envelope 409, 410
Late in session, when many votes had been taken, Democratic members of house discussed voting for some Republican other than Hopkins, Mason, Foss, and Webster 232, 233
Met Browne at Southern Hotel, St. Louis, June 21, 1909 (identify signature of Browne on hotel register) 253
Met Browne in St. Louis 21st of June; Browne there handed me a roll of money which he said was $1,000; he said, "This is Lorimer money"; only other person there was Henry Shephard 227
Met Michael Link at office of State's attorney a week prior to first trial of Browne (conversation there given) 245, 246
Met State's attorney in back room of grand jury room; Victor Arnold, one of his assistants, was with him; they asked me there whether I had received anything for voting for Lorimer; made complete statement same I have made here 236
Met White in St. Louis on the street, think same day I was at Wilson's room 228
Met Wilson in St. Louis, think 15th of July, at Southern Hotel; Joe Clark, of Vandalia, Democratic member of house, was present; as I left, Luke, Democratic member of house, came into room 228
Names of principal candidates for Senator 224
Never at any time denied before grand jury ever receiving any money 239
Officer Keeley took me across the street from the grand jury room (testimony as to drinking in saloons) 242
Only testified before grand jury with reference to the $1,000 once; went back afterwards to make some explanation 253
Possibly I said to Link that I did not think Lorimer put up a cent of this money himself (witness was recalled to make this correction) 265
Possibly I talked with people of my county of having influence in patronage, possibly with Shupe or Murray; think possibly I stated that is only consideration I got for voting for Lorimer 408
Prior to receipt of letter from Wilson I had talk with him as to the advisability of sending out this kind of a letter; met Wilson by appointment in Springfield after Tierney and White had been to see me 402, 403
Prior to time I voted for Lorimer, nothing was said by him or anybody else to me in reference to my receiving anything for voting for Lorimer 256
Prior to time I was talking with Democrats of my senatorial district, nobody offered or promised to pay me anything for voting for Lorimer 234
Received letter from Robert E. Wilson about first week in May, 1910 (letter dated June 26, 1909, marked "Exhibit 1-R, K. F. L.") (referring to banquet for Browne) 402, 409
Southern Hotel, in Wilson's room; details what took place, including Wilson's handing witness $900 ..... 228, 229
Southern Hotel register of July 15, 1909; recognize the signature of Robert E. Wilson; that was day I received the $900 254
Talk with Browne in reference to voting for Senator; think two nights before election 225, 234
Testified before grand jury in Chicago as to conversation with Luke, Clark, and Link 229, 230
Testimony before grand jury on first trial had nothing to do with Lorimer vote or Lorimer money 253
The $900 Wilson handed me; how I disposed of it 228, 229

Beckemeyer, H. J. C.—Continued. Page.
The $1,000 I took I understood was because of my vote for Lorimer..... 258
Think communication from Chicago News asked for statement with reference to White's charges, etc..... 231
Think I denied to Officer Keeley that I ever got any money..... 243
Third time I went before grand jury I asked permission to go home..... 254
Time I testified before grand jury I denied I had been bribed; those denials were untrue..... 409
Voted for Browne for minority leader..... 224
Voted for Lorimer May 26, 1909; few weeks afterwards met Browne at Starving Rock and had talk with him, and he said he had a package; shortly after that received a communication from Browne, which I destroyed; it was inviting me to meet Browne in St. Louis..... 226, 227
Was at Abraham's saloon in morning before I went to State's attorney's office; met Victor Arnold at that time..... 246, 247
Was not in custody of officer after the first trial People *v.* Browne was finished..... 259
Was subpœnaed to appear before the grand jury in Cook County; Guilford Welch came to Chicago with me; conversation with State's attorney given..... 235, 236
Was taken out of grand jury room and put in custody of Officer Keeley; no indictment against me at that time; went to hotel; Welch came and sat at table with us; as to conversation which took place there..... 241
Welch and Keeley went to Illinois Athletic Club for the evening meal..... 244
Went before grand jury two or three times..... 237
When Browne told me he would have a package for me, nothing said as to what package would contain; some days after that received communication from Browne to meet him in St. Louis, 21st of June; at that time he gave me $1,000, with statement it was the Lorimer money..... 256
When I came from grand jury room I met Welch some time that afternoon; was kept in custody of officer all that night and the next morning; and officer went home with me, and then into Indiana and stayed there a week..... 243, 244
When I came from grand jury, Welch asked me, "What did you tell them a lie for?"..... 244
When I was in Chicago in custody of officer I went home when I wanted to; no threats used for purpose of making me tell anything with reference to Lorimer payment..... 254
When I was in St. Louis on occasion of receiving $1,000, I saw Shephard..... 403
Wilson communicated with me to meet him in St. Louis 15th of July; believe he then said, Browne is sick and he couldn't come; nothing said why he gave me the $900 on that occasion; had heard at times there was a divide-up after each session of legislature..... 257
Wilson in St. Louis said nothing about voting for Lorimer..... 257
Beckemeyer:
Testimony referred to, by (Report, 13).
Bell, E. J., street-car conductor, Ogden Avenue line, Chicago, Ill., testimony of..... 450
As to what impressed the incident on my mind..... 451, 452
Have known Gloss past two years; we worked together as motorman and conductor little over a year ago, for about two years..... 450
Met Sydney Yarborough year ago last May; was introduced to him on street car by Gloss; it was a Monday night 24th; Gloss told me Yarborough was going to stay at his house; there was a grip lying on the front platform; I saw Yarborough talking to Gloss on front platform; Gloss introduced me to Yarborough as the gentleman we were to meet the night before.. 450, 451
Was before criminal court during Browne case; was asked by State's attorney to go into crowd and pick out man I was introduced to, Sydney Yarborough..... 451
When first testified in Browne trial I stated evening I met him (Yarborough) I was working; I corrected that..... 451
Belleville article:
Browne..... 645, 646
White..... 172, 412
Bribery alleged:
Beckemeyer..... 227, 228, 229, 253, 254, 256, 257, 258
Dennis..... 262

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Gray 393, 394, 395
Groves 462, 507, 508, 522
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Kirkpatrick 223, 224
Link 280, 281, 287, 302, 303, 305, 307, 308, 309
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Newton 410, 411
Rossell 452, 453, 456
Shaw 503, 504
Simmons 669, 671, 672
Stermer 531, 533, 536
Vandeveer 272
White 41, 51, 52, 54, 55, 81, 82, 116, 139, 178, 179, 180, 181, 184, 185, 186, 187, 188, 189, 194, 195, 412
Bribery, denied:
Broderick 548, 549, 561, 568
Browne 608, 616, 620, 621, 633, 636, 637, 640, 641, 643, 644, 647, 648, 649, 659, 661
Clark 355, 357, 361, 364, 365
Curran 581, 582
De Wolf 338, 343, 345
Donohue 518
Griffin 578
Shephard 322, 329
Shurtleff 696
Terrill 498, 680, 681, 682
Wilson 733, 734, 743
Bribery:
Four members testified to receiving money for their votes—White, Link, Beckemeyer, and Holstlaw (Report, 3).
Lorimer not connected with act of (Austrian) 66, 80
Lorimer not connected with acts of (Report, 2, 3).
Which will invalidate election of Senator (Report, 2).
White, chief self-accuser (Report, 3).
Briggs House, Chicago, meeting:
Browne 604, 628, 631, 640, 644
Gloss 435, 436
Simmons 669, 671, 672
Stermer 536
White 52, 54, 81, 133, 134, 135
Wilson 722
Zentner 538
Broderick, John, member of forty-sixth general assembly; Democrat; senate; saloon keeper, Chicago, Ill., testimony of 422, 508, 547
As to conversation that took place between Holstlaw and me when he came into my place in June, 1909, Holstlaw took a drink, was in my place possibly half or three-quarters of an hour 562, 563
At time Holstlaw was in my saloon must have been 10 or 12 at bar and maybe 20 or 30 further back; I stood at side of the bar 571
Decline to answer whether I notified Holstlaw to come to my place 567
Denies bribery and gives reasons for voting for Lorimer (Report, 14).
Did not ascertain Lorimer was an avowed candidate till two weeks before the 26th of May, but didn't know whether he could be put over prior to the 26th 560
Did not hear of any "jack pot" any more than I might read in newspapers; do not know of any fund contributed or paid to members 568
Did not leave my saloon during time Holstlaw was there 569
Did not say to Holstlaw, evening of 25th of May, front of St. Nicholas Hotel, "We are going to elect Lorimer to-morrow, aren't we?" Did not say to him "There is $2,500 for you" 548, 549
Did not, so far as I know, ask any member to vote for Lorimer; talked I was going to vote for Lorimer if opportunity presented 550
Did not vote for Lorimer prior to 26th of May 550
Do not think I ever discussed election of Senator with Holstlaw any further than I might say "It looks like Lorimer could be elected" 565

Broderick, John—Continued. Page.
Exhibit 1–Y, indictment found by grand jury of Sangamon County, Ill., charging Broderick bribing Holstlaw to vote for Lorimer. (Agreed that Broderick, witness, is the same as mentioned in the indictment and that the case is still pending, and Holstlaw, mentioned in indictment, is same witness appeared here.)..... 556
Got fairly well acquainted with Holstlaw in forty-sixth session; we stopped at same hotel (statement of Mr. Dawson as counsel for witness).. 550, 551, 552, 553
Had been asked to vote for Lorimer by good many men..... 561
Have been elected to the general assembly twice..... 547
Have been saloon keeper in Chicago for 17 years..... 549
Heard Browne make a speech when we were in joint session to ballot for Senator; think it was when it came his turn to vote..... 569, 572
Holstlaw and I did not go into my front office; he remained mostly at lower end of bar; refuse to answer who else were present; my barkeeper was present; possibly 10 or 15 people there..... 567, 569, 571
Holstlaw and I did not withdraw from rest of people there..... 571
Holstlaw had been waiting for me when I came to my place of business... 567
Holstlaw remained in my place presume half or three-quarters of hour; did not go out with him when he left..... 567, 568
Holstlaw was indicted in Sangamon County on the furniture deal; no connection with election of Senator..... 565, 571
Holstlaw's object in putting that story on me was he got indicted in Sangamon County, etc..... 564
In the saloon Holstlaw and I passed some jokes; do not remember what conversation was; did not have any private conversation with him at that time..... 569
Judge it was in June Holstlaw came into my place..... 567
Know Holstlaw; might have talked with him night of 26th of May, but don't remember that..... 548
Lorimer asked me that morning to vote for him that day; had no conference prior to that to determine whether I would vote for Lorimer that morning..... 566
My saloon room is 200 feet long, all open..... 569
Never got anything of value because I had voted for Lorimer..... 549
Never had any business dealing with Holstlaw; never paid any money to any member of legislature..... 568
Never had any financial transaction with Holstlaw..... 558
Never heard of any financial transactions with reference to election of Senator..... 561
Never knew Holstlaw in my place of business but once; think it was about month of June, in forenoon..... 558
Never knew Holstlaw to be engaged in an illegal transaction in Springfield. 562
Never on any occasion gave Holstlaw $2,500 or any money; did not give him $700; never gave anyone money for voting for Lorimer..... 548, 549
Never said to Holstlaw there would be $2,500 in it for him if he voted for Lorimer..... 548
No recollection of Holstlaw being in my place of business in July; did not pay him anything in July..... 568
Not divided in senate as factions in house..... 566
Not sure whether Browne made speech on roll call or after voting commenced..... 572
Not willing to state who were in room while Holstlaw was there..... 570
Refuse to answer whether I introduced Holstlaw to anyone in my place... 573
Substance of conversation with Holstlaw was, "Do you think Lorimer will be elected?" one might say to the other. "Yes, I think he will," etc..... 558, 559
Think there were some votes for Lorimer prior to his election. I voted for a different man most every day; was willing to vote for Lorimer any time he was going to let his name; his name had been mentioned for weeks before..... 559, 560
Voted for Lorimer for Senator because he has been a friend of mine for many years, etc.; not because of anything of value offered to me..... 549
Was first Democratic member of joint assembly to vote for Lorimer; Lorimer came to me that morning—26th of May—and told me he was going to be elected, and asked me to vote for him..... 560

Broderick, John—Continued. Page.
Was at Springfield last week, Thursday; as to where I was Friday and Saturday, learned on Friday subpœna had issued to me from this committee; did not dodge the officer..... 570, 571
Witness declines to answer question as to his writing to Holstlaw to call on him, and as to his calling on him, on the ground he would be compelled to give testimony against himself..... 556, 557, 563
Would have voted for Lorimer if he had not asked me..... 568
Broderick, Thomas Dawson, counsel for..... 428, 430, 509, 551
Brown, F. L., conductor on Illinois Central, testimony of..... 467
Do not know who presented this ticket or pass (as to my trying to pick out the man in the criminal court)..... 469
My run is from Chicago to St. Louis, and was in May, 1909..... 468
Name "Charles A. White" was signed in my presence by the party who rode on the pass..... 468
Witness shown and identifies coupon No. 28; saw it on fifth month, 25th day, 1909, on train 17, leaving Chicago at 10.15 p. m.; this coupon pass was taken up by me; writing on back all mine..... 468
Browne and White did not know each other until elected to legislature, admitted (Hanecy)..... 39
Browne, suggestion his vote should be given Lorimer first made to him by Speaker Shurtleff (Report, 14).
Browne, Broderick, and Wilson, committee find no warrant for believing either moved by corrupt influences (Report, 14).
Browne, Lee O'Neill, admit he was minority leader of house and was candidate for position (Hanecy)..... 39
Indictment of, Exhibit B..... 12
Browne, Lee O'Neill, member of forty-sixth general assembly; Democrat; minority leader of house; Ottawa, Ill.; testimony of..... 585
Abrahams was the first Democrat on the list, a staunch adherent of mine, and whenever he voted one way they knew how I was going to vote.... 665
After conversation with Shannahan, Shurtleff, speaker of the house, broached the subject of Lorimer's election; I told him I could not tell whether I would be for Lorimer or not..... 592, 593, 594, 656
After session closed, and after I had seen my members over the State, I went to Gov. Deneen to see if my faction couldn't receive at least a division of the minority appointments in this State..... 659
After the election of Lorimer I did not offer to pay or pay anyone for voting for Lorimer or give any money or promise. I did state to a number of Browne's faction that I thought it might be an advisable move because Democrats would have opportunity of getting some positions, etc..... 636, 637
An added reason why perhaps an election was brought about, Gov. Deneen was not very popular..... 657, 658
Announced in my speech that I intended to vote for Lorimer..... 668
Approached Link about voting for Lorimer, as to conversation between me and Link..... 595
As to altercations Conway has had..... 609
As to borrowing money from White and taking money from him.... 620, 621, 652
As to contributions to my defense in these suits..... 661
As to conversation with Luke..... 602
As to having other talks with White about election of Lorimer..... 602
As to how message was carried to our faction that vote was to be taken on the 26th..... 661
As to meeting Beckemeyer and White in hallway of St. Nicholas Hotel several nights before election of Lorimer; White was drunk; Beckemeyer had been drinking and showed it plainly; conversation given..... 591, 592
As to my efforts to secure White a job..... 613, 614
As to my intimacy with Lorimer..... 624, 625
As to my remembering whether White was in my rooms on May 25..... 628
As to the extent of my relations with White..... 586, 587, 589, 590, 653
As to the order in which I saw people at the meeting in St. Louis..... 607
As to the trips across the lake with White..... 601, 602
As to the work which devolved on me..... 588
As to those of the 30 whom I spoke to about voting for Lorimer..... 600, 601
As to trips across the lake, who made up the party..... 620
As to what I meant in letter to White saying hope everything is all right with you, etc., and that he was "fairly prosperous," did not refer to the banquet..... 622, 623

Browne, Lee O'Neill—Continued. Page.
As to what was discussed at the meeting in St. Louis, and length of the meeting 606, 607
As to when I first noticed any change with reference to White's support of me 624
As to when I had been in St. Louis 612
As to when I made up my mind as to what I would do about Lorimer; recollection is that I gave Shurtleff an answer; after that talked with Lorimer with reference to his candidacy 594, 595, 658
As to where I met the gentlemen named on the 21st of June; caused them to be notified I was going to be there, as I recollect 604
As to where I sat in the house in relation to Meyers 646, 647
As to whether I had lists of Democrats who would vote for Lorimer 597
As to White's financial condition 615
As to White's testimony at trials as to my calling him up by telephone and my promising him $1,000 641
As to White's testimony that he wrote the Belleville paper out and I made corrections; I never saw or heard of it in any way 645, 646
As to who paid expenses of boat trips referred to, and amount of 644, 645
As to whom I advised with after Shurtleff came to me 656, 657
As to whom I consulted about voting for Lorimer 595, 596
As to Wilson's trip to St. Louis 621
At St. Louis on the 21st of June I paid nobody any money 663
Before investigation started Judge Hanecy told me he would want me as a witness if other side did not 651
Began candidacy for minority leader almost immediately after election in November, 1908; was elected minority leader in caucus; two names were presented—Tippit and mine; White was among those I solicited for support 585, 586
Been no Democratic majority in joint session since election of Palmer around 1890 ..... 663, 664
Believe a few Democrats gave Shurtleff a complimentary vote for Senator two or three times, but not positive 659
Best recollection is I didn't know Wilson was going to St. Louis until that day; knew he was going there to see the southern Illinois members, the ones I have mentioned 610, 611
Broached the subject of voting for Lorimer to Link; he informed me he had already committed himself to Lorimer 602
Came to Chicago in first place from Ottawa; went from Chicago to Springfield; then went to St. Louis 605, 610
Came to Springfield Sunday, the 23d, and registered at the St. Nicholas; did not see White during the 24th 627
Can not say Judge Hanecy is my counsel; never paid him anything for it. 651
Can not tell how long Luke was in my room in St. Louis; he was sober. 607, 608
Closest men to me were Surmack, chairman of the steering committee and my roommate, and Wardell 599
Conversation that White first referred to as having taken place in my room night of 24th of May, or at any other time, never took place 640
Could not get any job for White after session closed till clear down to November, and that was not accepted 637
Description of my rooms at St. Nicholas Hotel 588, 589
Did not contribute to Link's campaign fund in June or July, 1909 637
Did not during roll call of the joint session resulting in Lorimer election send for Meyers, nor did he come to my desk 647, 648
Did not during the roll call say to Meyers, "Will you vote for Lorimer for Senator? that there was plenty of the ready in it," etc 647, 648
Did not feel very kindly toward Deneen 667
Did not give Beckemeyer $1,000 on that day in St. Louis; did not pay Link any money that day 608
Did not give White any money at close of session or during session; was borrowing money myself; think aggregating $90 640
Did not give White in Springfield during session of legislature any money; do not think I would have given him $100 if he had asked me 616
Did not go to White's room in St. Nicholas Hotel on May 24 and he did not come to my room, that I have any recollection of; he might have.. 591, 627
Did not on June 17 at Briggs House or any place else give White $850 and say to him, "Here is balance of your Lorimer money" 644

Browne, Lee O'Neill—Continued. Page.
Did not pay White $50 on the 16th and say, "This is part of your Lorimer money and balance I will pay you to-morrow" 643
Do not know that Wilson saw some of minority Browne faction with reference to getting votes for Lorimer 599, 600
Do not know whether I met White on 15th of June or not 626
Do not recall whether I asked Wilson to vote for Lorimer 602
Do not think I spoke to Abrahams or Geisgawich or Forrest about voting for Lorimer 598
Do not think White wrote me in December, 1909; he wrote me Feb. 27, 1910 624
Dr. Allison had spoken to Wilson and I guess others about giving me a banquet, and Wilson's purpose in going to St. Louis was to discuss the matter 611, 612
During 15th, 16th, and 17th of June, time referred to by White, he was at no time in any room where I was, only places he saw me were in the lobby, hall, or possibly barroom; had no such conversation as he refers to and neither gave him $50 nor any other sum until day he was going away, 17th 643
Feel almost as if I was somewhat a defendant 617
Felt grateful to White because he was a staunch adherent of mine during the session 588, 624
Few days before Lorimer's election I broached the subject to White, and White informed he was going to vote for Lorimer; that he had told Lorimer so 602, 603
First ascertained White had written Lorimer when article appeared in the Chicago Tribune April 30 624
First elected to Illinois Legislature, house, in 1900, as Democrat 585
First heard of investigating story put out by White in rumors short time before April 30 631
From talks with White prior to July 15 I assumed he had no property and no steady job 614, 615
Gives names of 30 Democrats whom he spoke to Lorimer about 600
Had letter from White after his nomination requesting me to intercede with his running mate, Smith 586
Had 30 specific Democratic votes in mind when I assured Lorimer 629
Have met Shephard frequently since he met Wilson in St. Louis 613
Have no independent recollection of having seen White night of May 25, not saying that I did not casually meet White somewhere that night and that subject of election of Lorimer was not casually broached 591
Have no recollection of any talk with White on 25th of May with reference to election of Senator 591
Have no recollection of meeting White more than once on June 17, 1909; that was in lobby of Briggs House 643, 644
Have no recollection of Wilson in regard to his meeting Clark in St. Louis. 603, 604
Have not been trying to conceal myself as to my whereabouts 649, 650
Have not letter received in answer to mine to White of June 9; the letter urged upon me the securing for White a job if I could and a desire to advise with me about embarking in some business 638, 639
Have searched for letter received in answer to letter of June 13, but not within my power to produce it; it did not refer to the payment of any money to White 639
Heard White's testimony in the two Browne trials; in first trial he said I came to his room about 11; in second he said between 11 and 2, etc... 640, 641
Impression is I met White in Chicago between the 15th and the 17th several times in the lobby or about the hotel 604
In letter of June 13 to White I simply stated when I would be in Chicago for the purpose of giving him an opportunity of seeing me if he wanted to; have not been able to find letter of which this of the 13th is an answer. 626, 627
In our faction I started with 39 and finished with 37; Tippit faction started with 25 and finished with 27 589
In Shurtleff and Lorimer conferences no suggestions were made that I or my followers would receive any benefits, in money or patronage, for securing Lorimer's election 661
Insisted upon going upon the stand upon both Browne trials, but was not permitted by my counsel 648, 649
It came out during trial of my cases that Austrian was attorney for the Tribune Co. and drew up the contract 608

Browne, Lee O'Neill—Continued. Page.
It was after White's visit to Wilson at St. Louis that White and I made trips across the lake ... 613
It was somewhere in neighborhood of week before Lorimer's election I talked with White about voting for Lorimer ... 592
Knew Wilson went to St. Louis on 15th or 16th of July, 1909; regretted I couldn't be there with Wilson, but I was not well ... 599, 610
Letter, Exhibit 4, dated July 16, 1909, was written in my home town, Ottawa; I dictated the letter, but my name is signed by my stenographer. 622
Letter exhibited from Link to Browne, postmarked 12th of September, 1910, marked "Exhibit 1–Z, K. F. L.," in which Browne is congratulated on vindication of charge of bribing White ... 617, 618
Lorimer had a number of warm personal friends on Democratic side; indefatigable work upon the waterways proposition won him many friends; do not think any other Republican could have united Democrats and Republicans at that time ... 662, 666, 668
Lorimer was at Springfield before the legislature considerable time before his candidacy for Senator; was very active in deep-waterway legislation. 649
Lorimer, Shurtleff, and Shanahan assured me Lorimer had enough other votes than the 30 to elect ... 630
McCann was upon the floor as a page day of Lorimer's election, where he usually was when I was taking active part in proceedings, and that was at my desk. (Describes in detail) ... 647
Made a speech in the twenty-sixth ward at the request of Wilson's friends and himself; said I felt bad to see this matter should be affecting Wilson as it was, because what he did I felt in a measure to blame for, etc ... 635
Made it matter of honor with Lorimer and Shurtleff that no roll call for Lorimer until with counting 30 votes from my faction they had enough to guarantee election; reason ... 629, 630
May have met Shephard at Briggs House Sunday preceding 30th of April, but don't recall ... 631
May have spoken to George Hilton about voting for Lorimer, but think I didn't ... 598
Meetings between Lorimer and myself and Shurtleff and others were quite frequent; started not many days before the election ... 596, 597, 630
Met Beckemeyer at Starving Rock, it was between the 4th and 21st of June. 634
Met Sydney Yarborough and Beckemeyer in hall of St. Nicholas Hotel, and told them to go to bed, but not that night, but some time the previous week ... 641, 642
Meyers gave me impression his people would not stand for a Democrat voting for a Republican ... 648
Monaghan is a Republican ... 638
Moving cause of Democrats voting for Lorimer ... 638
My business in St. Louis was to see members whose names had been mentioned. (Further explanation given.) ... 605, 623
My judgment was it was wiser to elect Lorimer by aid of Democrats than to allow session to terminate without an election ... 661
Never paid anybody any money as a result of their having voted for Lorimer or induced them to ... 663
Never paid White $1,000 or any sum in any sums at any time or place on promise he was to vote for Lorimer or because he had voted for Lorimer; the same answer with reference to Beckemeyer and Link ... 649
No proposition was made by Lorimer if sufficient number of Democrats would vote for him they should have a division of Federal patronage ... 659
No recollection of Clark being in the Southern Hotel on 21st of June or in the month of June or July ... 607
No report to me that White was trying to hold up legislation; there were expressions that they didn't like him, etc ... 589
No Republicans offered to vote for any Democrat for Senator ... 665
No subpœna served upon me that I know of ... 650
No such converstation as White stated with me in St. Nicholas Hotel May 25, when he says I took him to my room and asked him what was the matter with him ... 645
No unusual commotion or disturbance at Lorimer election 26th of May; very large concourse of people; as to what I said of an unpleasant nature to English ... 635, 636
Nobody, either before or after Lorimer's election, placed any money in my hands for campaign purposes ... 661

Browne, Lee O'Neill—Continued. Page.
Not certain whether I spoke to McGuire about Lorimer movement; do not think I spoke to Murphy 598, 599
Nothing of the kind that White stated as to bill having certain marks on it and my having it changed took place 640
On 26th of May Stringer got all Democratic votes that hadn't gone to Lorimer; Hopkins got all Republican votes that hadn't gone to Lorimer ... 667
Only conversation I have distinct recollection with White he said Lorimer was a friend of organized labor, etc.; that Lorimer had come up from a street car man, etc 603
Presume I told Lorimer what I was doing toward furthering his candidacy; according to best information finally assured him there would be 30 Browne Democrats voting for him 597, 598
Presume not a day passed when White and I were in Springfield that I didn't see him 588
Reasons why I was not permitted to go on the stand; was not afraid 654
Satisfied that Clark and White both received notification of the meeting at St. Louis, but were not there 606
Saw White in Chicago during the time 22d and 27th July; that was after the Wilson meeting in St. Louis 614
Several days before Lorimer election in lobby of St. Nicholas Hotel I asked Meyers whether he could vote for Lorimer; he said, "I couldn't do it and go home to my people, etc., it would mean my political death;" other conversation given 648
Shurtleff did not want to see Hopkins elected 663
Since 1889 have been practicing lawyer 585
Stated to Shurtleff, and afterwards to Lorimer, I would not consent to a single Democratic vote for Lorimer unless his election was assured 595, 660
Stringer votes were all complimentary; did not take himself seriously; he was holding a Deneen job at the time 663, 667, 668
Stringer was Democratic nominee for Senator selected at primaries; think at first he received all votes of Democratic members 656
Sydney and Otis Yarborough did not testify in first Browne trial; they both did in second 641
Talked with White 17th of June; he said, "Can you let me have a little money?" etc.; I pulled out either $25 or $30 and gave it to him, etc. 644, 651, 652
Testimony of gentlemen with reference to having received money from me was occasioned by some practice never equaled in the State of Illinois .. 633
The little gatherings in Shurtleff's and Lorimer's rooms, who they would consist of 659
There were three places used habitually by Democrats for meeting places; St. Louis, Springfield, and Chicago 606
Think I saw Clark with reference to voting for Lorimer, and De Wolf; not sure whether I asked Griffin 602
Think I spoke to Beckemeyer about voting for Lorimer the day before the 26th, and possibly the 26th 596
Think I spoke with Luke about voting for Lorimer 596
Think Luke spoke to me first about the Lorimer movement, rather than my speaking to him 598
Think my counsel were unanimous upon proposition if I went upon the stand denying I paid money to White, Beckemeyer, and Link I would be indicted; names of counsel 655, 656
Think Shanahan one day in the house, after it had adjourned, two or three weeks prior to 26th of May, suggested Lorimer as a possibility 593
Vote was not taken on the 24th because we wanted to make assurance doubly sure; we finally determined on Tuesday night, May 25, we would call the ballot on Lorimer's election 660
Was in St. Louis on 21st of June, 1909, and saw Beckemeyer, Shephard, Link, and Luke; first impression was I saw Clark, but now think he was not there 603, 606, 623
Was tried twice in Cook County; this is the first time I have testified at all. 620
Went to Chicago 15th of June, and was there till the 19th; White came there on the 13th and stayed till the 17th; did not tell White I was going down to St. Louis 604
White came to me and asked if I would not communicate with the street-car people to see if he couldn't be reinstated; I wrote a letter and received reply that he would not be reinstated, etc 590

Browne, Lee O'Neill—Continued. Page.
White had not borrowed any money from me but once up to July 15; impression is he paid it back to me..... 614, 615
White never said to me in a letter that he had no kick coming and had got out of all sources exactly what had been promised..... 624
White never told me that anybody gave him money; he did not discuss his St. Louis visit..... 613
White not popular with the members; no one seemed willing to help him in labor legislation; he came to me, and I helped him in preparation of bills, etc..... 587, 588
White was of very ordinary education; noticed inaccuracies in his spelling. 653
Why I picked Beckemeyer and Link as my working force..... 605, 606
Wilson is an intimate friend of mine; last saw him shortly after the primaries, which were the 15th of September, at the Briggs House or upon the street; do not know where he is now..... 631, 632, 633
Wilson is high strung physically and mentally, and I do not think he ever had a hardship in his life until this, and he took it harder than anybody I ever saw; he is a complete nervous wreck; he was in a sanitarium in Milwaukee before the primaries..... 632
Wilson was not one of my lieutenants; he did not make a trip to St. Louis for me..... 599
Wrote White on July 16 was sorry I was unable to be with him yesterday forenoon in St. Louis..... 612

C.

Casey, James W., real estate, Chicago, Ill., testimony of..... 678
As to deals which took Wilson out of Chicago..... 679, 680
As to Wilson's mail..... 679
Known Robert E. Wilson 21 years; he puts over some deals through my office; his office is with my office..... 678
No business transactions with Wilson since September; last saw him day after or second day after primary election..... 678
Place of business 101 Washington Street..... 678
Wilson is a member of the present legislature, his second term..... 679, 680
Wilson was candidate for legislature..... 678
Centralia, meeting at (Clark)..... 355, 356, 364
Chicago Tribune, petition for permission to present evidence (Barnes)..... 14
Chicago Tribune article (White)..... 4, 85, 103, 104, 105, 106, 151, 152, 153, 154, 155, 157, 159, 161, 162, 163, 165, 166
Clark, Joseph S., member of general assembly, 1906, 1908; Democrat; house, police magistrate, and in lumber business; Vandalia, Ill.; testimony of. 350, 399
As to meeting with Beckemeyer at Centralia, and what took place there; never said to him, "You have got your $1,000, and I've got mine, but there is no way of anybody proving it"..... 355, 364
As to what took place at Southern Hotel; did not go into bathroom, and have no recollection of seeing anybody else go..... 353, 354
Before voting for Lorimer I did not have any discussion with reference to the appointment of John A. Bingham as postmaster..... 400
Browne never asked me to vote for Lorimer..... 365
Did not discuss with White anything in reference to distribution of money during last session of legislature..... 401
Did not receive any money from Wilson at any time during 1909, nor from Browne..... 364
Did not say to Beckemeyer or Wilson I was going out to Morris to stiffen the boys up..... 356
Did not see Wilson, in St. Louis, deliver any package to any member of legislature; heard no talk in reference to money or payment there..... 365
Did not, shortly after adjournment, invest any money or make any purchase in substantial amount of jewelry; only jewelry I have bought within last five years was two small diamonds; believe I paid $105; as to when I bought diamonds..... 400, 401
Do not recollect having any talk with White on subject of Lorimer's election..... 363
Everybody was anxious to get home..... 360
Few days after talk with Beckemeyer at Centralia I met Wilson at Springfield; then went out to see Morris, a Democratic member; did not see Beckemeyer there the day I saw Wilson..... 356

Clark, Joseph S.—Continued. Page.
First voted for Lorimer in May, 1909, day he was elected; prior to that had voted for six or seven candidates, most of the time for Stringer..... 350, 351
Have no bank account or safety vault in Vandalia; some times gave money to my wife and let her secrete it..... 363
Have not met Browne in St. Louis since adjournment..... 353
I am under indictment in Sangamon County; I believe some charge of a furniture deal..... 357
I did not get a package in the hotel; was in room with Wilson perhaps 10 minutes..... 357
I lived at the St. Nicholas Hotel in Springfield..... 367
I never was paid anything to vote for Lorimer or because I had voted for him. 361
I received a voucher for compensation under an order of legislature belonging to Richard E. Powers, for $600, after legislature adjourned in 1909; no recollection of talking with Beckemeyer about Powers's money ... 362, 363
I voted for Lorimer for Senator for purpose of breaking deadlock; would have voted for Shurtleff as quick..... 359
I voted for Shurtleff for speaker..... 359
I was one of Browne faction..... 350
I wouldn't vote for any Republican unless my vote was sure to elect..... 352
It was certain that Stringer could not be elected Senator and that none of the four Republicans could be elected..... 360
Man in charge of coat room, perhaps 15 minutes before roll called, said to me "You ought to vote for Lorimer to-day," etc..... 351
Members of Tippit faction and Browne faction did not attend each other's caucuses..... 361, 362
Met Wilson in St. Louis in month of June or July, on occasion referred to by Shephard, Link, and Luke, in Southern Hotel, for purpose of meeting Wilson; request was either by letter or telegram; it did not say what for. 353
My salary as member of legislature was $2,000; $50 for stationery; mileage, about $14 or $15..... 401
Never talked with Browne with reference to voting for Lorimer, or with any member of legislature with reference to my vote, that I remember.. 352
No one else in the room at St. Louis, 15th of July, asked me or told me why they had been summoned there by Wilson..... 356
No person ever asked me to vote for Lorimer; made up my mind to vote for him at my home Friday or Saturday evening previous to his election; never announced to anyone I intended to vote for him..... 351, 357, 399
Nothing was ever paid me as a consideration for my vote..... 365
On 26th of May it was general talk that they were going to elect Lorimer that day..... 352
Reasons why I came to the conclusion to vote for Lorimer..... 365
Received the money for Mr. Powers, think in June; Powers's money was paid me under resolution of legislature; I was chairman of committee to attend funeral..... 364
St. Louis one of most convenient places for southern and south-central people to meet..... 359
There was nothing certain about my voting for Lorimer for several days before his election, but I became conclusive about 30 minutes before I voted..... 399, 400
There were factions in both parties of the legislature, enumerated..... 360
Think a great many Democrats would have been glad to vote with Republicans to elect Shurtleff..... 361
Tippit faction gave banquet to their leader a few days before adjournment, and there was talk of giving banquet to Browne; at July 15 meeting Wilson asked me what I thought of the banquet, etc..... 358
Told Wilson about White and Tierney being at my town, and his answer was, "There is nothing to it"..... 356
White told me he had made a confession to Gov. Deneen, and Lorimer was the man they were after..... 363
Wilson was a reputable member of the legislature; that was his second session, I think..... 367
Wilson, when I met him in St. Louis on 15th of July, gave as reason he had written me to come that he wanted to talk the banquet over with me..... 367, 368

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Continuance:
Application for, denied (Paynter) 31
Application for, submitted in writing (Hanecy) 29
Application for, to be put in writing (chairman) 24
Opposed to (Austrian) 24
Opposed to (Barnes) 22
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Continuance urged, reasons for (Hanecy) 15, 23
Conversation as to other considerations for vote—"Jack pot" objected to (Hanecy) 42
Counsel, as to appearance of 15, 28, 29
Curran, Thomas, member of forty-sixth general assembly; Republican; house; Chicago, Ill., testimony of 580
As to why I did not haul White up before house 583
Been member of legislature two terms 580
Believe White disreputable when he tried to bribe me 582
Browne sent for me at Briggs House after first trial; that was first time I detailed conversation with White to him 583, 584
Day after election of Lorimer I had conversation with White in hallway back of speaker's desk, after conversation on 10-hour bill, White said, "I thought Browne was double-crossing us" 581, 583, 584
Had conversation with White on or about May 27, 1909, in corridor of statehouse, at Springfield, day after Lorimer was elected; he said, "Curran, are you going to report the women's 10-hour bill in?" I said, "I surely am," etc.; White said, "What do you do that for; if you hold it up there will be something in it for us," etc 581, 582
In same conversation White said, "Was there anything doing in that Senatorship election of Lorimer yesterday?" I said, "Not that I know of," etc 581, 583, 584
In forty-sixth general assembly was chairman of labor and industrial affairs committee of house 580
Knew White; did not before forty-sixth general assembly 581
Thought White was crooked right along 582

D.

Dawson, Thomas, counsel for Broderick 428, 430, 509, 551
Dawson, Thomas, member of general assembly; Democrat; senate; one of attorneys for Senator Broderick in Sangamon County case; appearing as counsel for John Broderick, who has been subpœnaed as a witness; statement of 428, 430, 509, 551
As to Broderick being subpœnaed 432
As to knowledge that a subpœna had issued to Broderick by this committee before Saturday 431
Broderick is perfectly willing to testify to this committee within certain limits which I stated (to state the fact that he did or did not pay certain money to Holstlaw on those two occasions, but not to be cross-examined as to facts and circumstances surrounding that transaction, p. 428) (matter further discussed pp. 509–514) 433
Charge against Broderick in case I represented him in at Springfield was bribery, in connection with the election of Senator 434
Did not confer with counsel for Lorimer about appearance of Broderick before committee 433
Had conversation with Judge Hanecy about Broderick testifying 433
Notified Nixon, sergeant at arms of committee, I would see that Broderick was before this committee not later than 10 o'clock to-day, etc., testified as to proceedings in People *v.* Broderick 430, 432
Represent Joe Clark, member of the legislature; also Shephard, Browne, and Wilson, arising out of this subject matter 431
Talked with Joe Clark before he went on the stand, and with Mike Link and De Wolf 431
Was told on evening of Friday that Broderick had been in my office; as to my knowledge that this committee desired Broderick's attendance 432
Dennis, John W., contractor and builder, East St. Louis, Ill., testimony of 261
Before White went to Chicago he didn't have money to pay the bills 263
Have known Charles A. White 6 or 7 years 261

Dennis, John W.—Continued. Page.
Saw Charles White in June, 1909, at East St. Louis; saw him with money lying on the table when he was paying bills; couldn't tell how much there was 262
Was a member of the union but am not now; White and I worked for the same company 264
White and I were in the insurance and brokerage business together 262
De Wolf, J. H., member of fourty-sixth general assembly; Democrat; farmer; Canton Station, Ill., testimony of 335, 383
A gentleman drove up to my house the day before I was subpœnaed here, and said he was out in interests of this senatorial committee, etc.; he said I would be gotten into awful deep water in this matter before this investigation was through; gave the name of Williams 384, 385, 386
As to putting mortgage upon my land 338, 339
Day Lorimer was elected Holstlaw said to me, "Are they going to put Lorimer over to-day?" or "Are they going to elect Lorimer to-day?" I said I didn't know 337
Did not ask White or anyone else on 25th May, 1909, at St. Nicholas Hotel whether or not he had been up to the trough; do not know what I did say now; if any conversation about money it was in a jocular way 337
Did not hear at Springfield, May 24, 25, or 26 any proposition for a reward if a Democratic member would vote for Lorimer; might have discussed things in the corridor when they were joking; nobody offered me any money 343
Did not know before house convened in joint assembly 26th of May that the election was coming off 338
Did not receive anything for promise to vote or voting for Lorimer 345
Do not think I talked with White on 25th of May; never discussed election of Lorimer with him 336
First voted for Lorimer day he was elected; that was the first day I voted for a Republican 336
I bought a piece of property for $4,600, and borrowed, through R. H. Henkle, money to pay for it; I acquired the property on the 9th of August, 1909; I paid $600, as I recollect, on the property, and gave a mortgage on 15th day of March, 1910, for $6,000 (further details of transaction given). 339, 340, 341, 342, 343
I bought the second piece of land from Joliet, the $4,600 ..... 341, 342, 343
I said on several occasions I was willing to vote for any Republican to break deadlock 337
I told a man downstairs, think his name was Dawson, I was going to make a correction 387
I voted for Lorimer because I wanted to break the deadlock; was a farmer and expected to save a pittance 344
I wanted to vote for Hopkins and was told Hopkins would not accept Democratic vote 337, 345
If I used expression "I am from Missouri, and they will have to show me," it was in a jocular way, and no significance in regard to money 384
Know Dug. Peterson; he never offered me anything; do not think I told English I was offered money to vote for Lorimer 343
Lorimer came to me and said, "Mr. De Wolf, I understand you are willing to vote for a Republican for Senator." I said, "I am;" he said, "I am thinking about being a candidate." I said, "If you are I will vote for you." That may have been a day or three days before I voted for Lorimer (further conversation given) 344
Never told George English I had been approached to vote for Lorimer and offered money if I would; no recollection of discussing election of Lorimer with him 338
No one ever called over transom in St. Nicholas Hotel and asked me to open door and offered me certain things if I would vote for Lorimer; never told anyone it occurred 343, 344
To my best recollection never had talk with Beckemeyer about Senatorship or Lorimer 338
Voted for minority leader Browne 336
Was not paid money for voting for Lorimer 338
Donohue, Daniel D., member of forty-sixth general assembly; Democrat; house; lawyer, Bloomington, Ill., testimony of 516, 523

Donohue, Daniel D.—Continued. Page.
As to conversation Groves said I had with him, do not remember having it; may have had it; never heard $1,000 mentioned up to that time; there was talk of money having been used generally, more after election and applied to other candidates than Lorimer..... 523, 524
Did not vote for Lorimer..... 516, 518
First thing I heard at Springfield was Hopkins was trying to buy some votes; after election of Lorimer the thing started that everything was not straight..... 520
Had conversation with Groves; he complained about some member coming to his room some night before Lorimer election and asked him to vote for Lorimer; think he said something about a consideration, and about having it published in paper; think in reply to me he said he had no witness (witness testified also to what he told Groves)..... 517
It was Riley who approached me with reference to voting for Lorimer; a number of fellows asked about getting all Democrats in line for Lorimer; I said it was bad politics, etc..... 517
Never heard anybody had been offered or paid anything for voting for Lorimer—no particular member—only general talk..... 518
Some of Hopkins Republicans said they would vote for Stringer before they would vote for any other Republican..... 518, 519
Was asked to vote for Lorimer; nothing said with reference to reward if I did..... 517, 518
Was working against election of Lorimer and for Stringer..... 517
Doyle, James W., machinist and inspector, Wabash Railroad Co., testimony of. 463
As to when I first told this story..... 465, 466
Conversation with White took place in May, 1909, about 18th or 20th; first conversation he engaged in he, I should judge, solicited a bribe..... 466
Have been connected with Wabash Railroad about five years; before that worked for Illinois Central six or seven years..... 463
I said to White, "I have not got anything to give you," etc..... 464, 466, 467
Last legislature I represented machinists..... 464
Member International Association of Machinists; no official labor position this year; was president of the local craft last year..... 463
Met White at the legislature last session (details conversation with White as to labor legislation, and his saying "What do you expect us fellows to live on, wind, around here?")..... 464
White stepped up to me and said, "I see one of your bills is on for third reading to-day; you fellows are not out of the woods yet; you better get busy"..... 464, 465

E.

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G.

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As to times when Sydney Yarborough has been at our house 449
Have known White should judge three and a half or four years 446
Have three children; a boy was 7 years old 26th of May 446
I testified in criminal court, this county, case of People *v.* Browne, to same facts I have here 448
Know Sydney and Otis Yarborough; should judge had known Sydney five years; knew he had been at O'Fallon; he was at our house on Springfield Avenue, Chicago, night of 24th of May last year; came at night with my husband and stayed all night 447
Never discussed this prior to May of this year, except with my husband ... 448
Was not indicted for Browne testimony as I know of 449
Yarborough, Sydney, came back to our house night of the 25th; he gave my boy 25 cents for a baseball mitt; suppose a birthday present 447, 448
Yarborough, Sydney, went from our house on morning of 25th to Wheaton, leaving his grip at our house; took it away night of the 25th, when he said he was going to Springfield, over the Illinois Central; said he was traveling on Charlie White's pass 448
Gloss, George F., motorman, Chicago, Ill., testimony of 434
As to my getting bail; Tom Brady went over to the criminal court with me at the direction of my lawyer 442, 443
Believe ticket from book No. 131165, coupon No. 28, pass 1909, Illinois Central Railway, is the one he had 439, 440, 441
Did not see White on 24th, 25th, or 26th of May 443
First knew White about five years ago; saw him between 6th and 11th of January last at O'Fallon, East St. Louis, and Collinsville; White was street-car conductor at that time 435
Had conversation with White in August, 1909, and talked with him about election of Lorimer; conversation detailed; White did not indicate whether he had got anything for voting for Lorimer, and he never told me that he did or didn't 445, 446
Had conversation with White on 23d of May, 1909 (conversation given in detail) 444, 445
Met Sydney Yarborough 24th of May, 1909, somewhere 9 or 10 o'clock at night; he went home on my car and stayed at my house in this city; he stayed all night and came back the evening of the 25th; said he was going to the Illinois Central depot, going to Springfield 437, 438, 439, 443
Met White at Briggs House July or August; I said to him, "I see you voted for Lorimer; how did it happen?" White replied, "I am low down on the list, and when they came to my name was so excited that I hallooed out 'Lorimer!'" (further conversation with White detailed) 435, 436

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Met White here Sunday before Lorimer was elected; when we got down to State Street I said, in substance, "White, it would seem you will soon elect a man down there. Who do you think it will be?" White responded, "I don't know; what do you think about this man Lorimer?" I said, "I do not know personally, but that the boys told me he is a good friend of street-car men; has done them many a favor," etc..... 435, 445
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Saw White and Sydney and Otis Yarborough on Sunday previous to Lorimer's election, on 23d of May, 1909, at Briggs House; as to where they went..... 441
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Was witness in last trial of People *v.* Browne here; was on stand, I think, four times; my wife testified at that trial in relation to these matters.. 441, 442
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Yarborough, on the 25th of May, in my kitchen, said his railroad fare didn't cost him anything; that he was riding on White's pass..... 439
Gray, James J., member of general assembly, Democrat, condensed milk; Belle Isle, Ill.; testimony of..... 393
Have known Beckemeyer about all my life..... 393
Latter part of July, 1909, or 1st of August, Beckemeyer came into our place of business and asked me to go to bank and identify him; said he wanted to make a deposit; he made a deposit of $500 in the Commercial Trust Co. (further testimony as to what took place)..... 393, 394, 395
Griffin, John, member of forty-sixth general assembly; Democrat; house; teaming; Chicago, Ill.; testimony of..... 572
As to when I first made up my mind to vote for Lorimer..... 574, 575
Asked Terrill to vote for Lorimer, think about second night before Lorimer was elected, right across corner from St. Nicholas Hotel; I said, "Why don't you vote for Lorimer now; you are a Republican and it will make you strong in your town," etc..... 576
Asked Terrill to vote for Lorimer; never said to him there would be $1,000 in it or any sum, nor to anybody else..... 577
Browne never asked me to vote for Lorimer; no one else asked me to..... 575
Did not discuss with Terrill anything about money; never heard about money for Senator during session; there was some talk afterwards; did not hear $1,000 named; I got no money..... 576, 577
Did not tell Terrill Lorimer was to be elected next day, or anyone else... 578
Did not want to vote for Lorimer until I thought my vote would count... 575
Guess greater number of Democrats voting for Lorimer were from Chicago; names some who lived outside..... 578, 579
Might have told half a dozen I would vote for Lorimer (names some)..... 575
Might have told Wilson I was going to vote for Lorimer..... 578
Never got anything for voting for Lorimer; do not know anybody who did. 578
Right after election there were rumors around there some fellows had got some money..... 577
Some newspaper man asked me yesterday about this; I made same statement I made here..... 578
Tippit, leader of the other Democratic faction, I believe, voted for Lorimer. 579
Told Terrill I was going to vote for Lorimer..... 576
Voted for Lorimer morning he was nominated; guess that was only time any Democrat voted for him; would have voted for him at any time..... 574
Voted for Stringer and think for Harrison..... 574
Was member of Browne faction..... 573
Wilson did not ask me to vote for Lorimer; I did not ask him to vote for Lorimer; I asked Terrill to vote for Lorimer..... 576
Groves, Jacob, member of general assembly; Democrat; house; Camp Point, Ill.; testimony of..... 414, 460, 505, 522
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As to whether I am friendly to Lorimer..... 461
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Did not vote for Lorimer..... 414

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I said to Patterson, "There isn't enough money in Springfield to hire me to vote for Bill Lorimer" 415, 421
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Nixon, sergeant at arms of this committee, introduced O'Laughlin to me; conversation given 418, 419, 420
Patterson, Douglas, Democratic ex-member of legislature, approached me to vote for Lorimer; conversation given; others spoke to me in regard to the matter subsequent to the election, including Terrill, Shaw, and Donohue 414, 415, 416, 417, 418, 420, 421
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Terrill told me he got $1,000 for voting for Lorimer (witness corrects this on page 460, and testifies Terrill said, "There was $1,000 in sight," or something like, if I would vote for Lorimer) 416, 460
Thought O'Laughlin was one of the attorneys here 420
Told the State's attorney of my county as to who approached me 419
Was in Springfield May, 1909, and during the legislature 414
Was in the house when vote was taken for Lorimer 418

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Holstlaw, D. W., member of general assembly; Democrat, house; farmer and stock buyer; Iuka, Ill., testimony of 196, 683
After I received the first sum of money from Broderick, do not think we said a word, but at that time I was here he said there would be some more coming, etc 694
As to the dates when money was paid to me by Broderick and disposal of same 201
As to what induced me to vote for Lorimer 202
As to what occurred when Broderick paid me $2,500, and when he paid me the $700 ..... 684, 685, 686, 687
At time Broderick gave me the $2,500 he said there would be something more coming to me later; went there again, judge six weeks later, and got the money same place I got the other money; details in regard to getting second money 689, 690, 691, 693
Banks in which I was interested 200
Beaver, B. N., president village board of Iuka, well acquainted with; do not remember telling him couldn't vote for Hopkins as was going to vote for Lorimer if name presented 207
Became member of forty-sixth general assembly; elected to the senate as a Democrat, 1908 197
Before conversation with Broderick night before Lorimer was elected, think I told Lewis if opportunity presented would vote for Lorimer, as we couldn't elect a Democrat 207
Bell, J. J., of Salem, vice president of bank, I know; remember telling him thought I would vote for some good Republican; do not remember I said Lorimer 205
Broderick afterwards paid me $700; don't know what for; he simply said there was that much coming to me; think I deposited the money in bank at home 200, 692
Broderick told me that he would give me the $2,500 688
Broderick's saloon, Chicago; details of conversation at 210
Broderick's saloon, Chicago; was in there twice; first was 16th of June, then in July some time 207, 688
Broderick's saloon, Chicago; went to, at the time I received the $2,500 in response to a letter which he wrote me; perhaps I have letter at home, but not here; further statement as to contents and date of letter 209, 210, 684, 685, 686, 687

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Deposit slip marked "Exhibit 1–S" 10–3–10; that is the deposit I made in State Bank of Chicago of $2,500; think I saw Broderick on that same day; went from Broderick's saloon to bank..... 683, 684
Did not know if anyone was being paid to vote for Lorimer; as to who first approached me with respect to voting for Lorimer..... 208
Did not deposit the $700 that I got on the second occasion..... 692
Do not know what the second sum received from Broderick was for..... 693
Don't know how I happened to go back to Chicago; when I got back I saw Broderick again..... 684
First time went to Broderick's saloon I went expecting to receive something from Broderick..... 689
I was indicted and the indictment was quashed..... 215
I was not indicted for voting for Lorimer..... 220
Immediately after my indictment and when I signed the statement I was in custody of an officer..... 222
Indictment against me was dismissed after I signed the paper, and on same day..... 221
Indictment against Senator Broderick is still pending at Sangamon County, Springfield, and I am a witness there..... 220
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No conversation when I received $2,500 from Broderick; he simply said, "Here is that money"; about June 16, if I remember right; put the money in State Bank of Chicago..... 199, 201, 202, 691
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Parties who asked me to sign the paper said if I testified to the truth on the Lorimer vote and furniture vote indictment would be quashed; then went back before grand jury..... 218
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Think Mr. Broderick fixed the time for me to come to his saloon; think he wrote to me..... 201
Told several I was going to vote for Lorimer; think I talked with members of legislature about it..... 205, 206
Utterbach, J. C., editor of Marion County Republican, Salem, Ill., I know; do not remember whether I had conversation with him before Lorimer elected, but I told another editor, Lewis, down there I intended to vote for Lorimer..... 204
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Was in banking business about three years before entering legislature..... 197
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As to card sent in by White and pass book and coupon book..... 457
As to pass showing who has ridden on it; Chicago to Springfield on May 25, train 17..... 458
Have more or less to do with passes; when a member of legislature wants a pass he makes written request on the district attorney, who sends it to our office, and pass is issued (further testimony as to process of issuing passes)..... 458
Know George Gloss by sight only; was present in criminal court when he was handed coupons to pick out one signed by Sydney Yarborough, etc. 457, 458
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I.

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Investigation, resolution for, submitted to Senate by Lorimer May 28, 1910 (Report, 3).

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After adjournment of legislature I saw Robert E. Wilson some time in July. 280
After I was before first grand jury and stated I never got any money for voting for Lorimer, I was indicted for perjury..... 294, 295
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After indicted I stated I did meet Wilson..... 302
After Wayman took me before Judge McSurely I was allowed to go home; following week I was put in custody of another officer; a subpœna was served on me to go to Springfield..... 299
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As to my being ordered into custody..... 304
As to my needing money for my campaign..... 306
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As to Tierney and White being at the railroad station making inquiry in regard to this matter..... 282
As to what took place at Southern Hotel, including Wilson's handing me a package; package Wilson handed me contained $900..... 284
As to whether Wayman or assistants asked me to tell untruth..... 302, 303
As to why I did not vote for Lorimer when his name was first suggested as a candidate..... 285
Attorney Reid met me at Springfield to advise and represent me there.... 300
Before grand jury first time I kept saying I did not remember till Wayman wrapped me around his finger..... 302
Before grand jury first time question was whether I had met Wilson; I denied it; guess it was a falsehood, but I did not remember..... 302, 303
Before grand jury I denied meeting parties in St. Louis; I didn't remember of meeting them..... 291
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Did not make statement to Inter-Ocean representative I had promised Nodlier and Magee to vote for Lorimer..... 311
Did not receive any money or thing from anybody on condition that I was to vote for Lorimer for Senator, or because I had voted for him..... 301
Did not tell grand jury I had received the money or any part of it for voting for Lorimer for Senator..... 298
Did not to my knowledge prior to appearance before grand jury disclose that I had received $900..... 284, 285
Did not, to my recollection, have any talk with anyone in Springfield about 26th of May, 1909, with reference to voting for Lorimer other than Lorimer and Browne..... 280
Do not remember conversing with Browne respecting voting for Lorimer except occasion detailed; he complimented me on being Democrat; I told him I had beaten him, etc..... 306
Erbstein was young lawyer who came to Morrison House..... 303
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Had no knowledge that anyone else was paid any money; never discussed it with anyone..... 286
Heard rumor on 26th of May, 1909, "To-day is the day that Lorimer is going to be elected," or "We are all going to vote for Lorimer"..... 287
I did not sell my vote; I personally promised it to Lorimer..... 287
I never told anybody that I voted for Lorimer for a money or any other consideration..... 302
I testified before the Cook County grand jury in May, and in the first trial of Browne in June, and in the second trial of Browne in July or August.. 281, 282
I testified before the grand jury..... 279
I was told night I was in custody of an officer that I had been indicted for perjury; think Wayman told me that..... 297
I wrote Wayman that I would not submit to being in custody all the time; that I was not a criminal, etc..... 299
In grand jury room was examined by Wayman; he asked if I voted for Lorimer, and I told him, "Certainly; I voted for Senator Lorimer, and was proud of it;" he asked me if I had been paid anything for voting for Lorimer, and I absolutely denied it..... 290, 291

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Lenager and Nodlier took me up to Lorimer's and I had conversation with him, with reference to voting for him, in their presence..... 280, 310
Lorimer asked me whether I had any influence with Browne; I told him I didn't think I would have..... 278
Made up my mind to vote for Lorimer in March, 1909, provided we couldn't elect a Democrat..... 286
Made written statement as to facts concerning which am now testifying, and swore to it; delivered it to Ward, Lorimer's secretary, three days after I returned home after going through the third degree here in Chicago.. 279
Meeting of Browne in Southern Hotel; nothing said as to why he was giving me money; supposed for campaign purposes..... 306, 307
Met Hanecy in forty-fifth general assembly at Springfield..... 279
Never discussed with Joe Clark, I believe, about not promising to vote for Lorimer until I was given to understand I was to receive $1,000.... 287
Never saw Judge Hanecy to talk to him until this morning, when I told you I was a member of the forty-fifth general assembly, when you made a speech on the constitutionality of a certain act..... 288
Not surprised at receiving $900 and $1,000..... 307
Officer Oake didn't allow me to telephone to friends; other officers were armed and took out revolver and billy so I could see them..... 292
Officer O'Keefe said, "Link, I wouldn't stand by the other fellows; I would stand by Wayman," etc. O'Keefe took me back to State's attorney's office next morning; Detective Maguire was present nearly every time I met Wayman, and he tried to put words in my mouth (conversation given)..... 296
Only reason for voting for Lorimer was his views on the deep waterways proposition..... 285, 286, 301
Reasons for concealing receipt of $900 and $1,000 when first before grand jury..... 305
Reasons why I voted for Lorimer..... 301
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Saw Judge Hanecy this morning; did not discuss with him subject-matter of this testimony..... 279
Some conversation with Turner along the line of my voting for Lorimer, but I thought he was an impostor; I was then summoned to come up here; I went to the Morrison Hotel; then to State attorney's office..... 289, 290
Some 10 days prior to his election I promised Lorimer my vote..... 278
Some time in June saw Browne at Southern Hotel; message told me to meet him at Southern Hotel (details of conversation with Browne at Southern Hotel); Browne handed me some money and said, "Here is a package for you"; amount was $1,000..... 280, 281
The $1,000 and $900 is all the money I ever received in connection with legislative matters outside of salary..... 305
Think Arnold told me that I had better tell what I knew or that I would go to the penitentiary (other conversation given)..... 296
Think it was not as early as February or March that Turner, the detective, and White came to see me; presume in April; White didn't come but once; Turner was there the second time, and said he represented Gov. Deneen..... 289
Think it was O'Keefe who had charge of me when some young lawyer said, "What are you holding this man for?"..... 294
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Wayman said if I would go before grand jury and make an acknowledgment I had received $1,000 from Browne that I could go home a free man, etc..... 297
Wayman told me if I would go before grand jury and tell what he wanted me to he would nolle pros., etc.; I said, in substance, "I will go before grand jury and lie if I have to, but I don't want to"; following day I went with Wayman before grand jury and said that I received $1,000 from Browne and $900 through Wilson..... 298

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Went to St. Louis on invitation to be at Southern Hotel, either from Wilson, or I don't know who; when I got there met Wilson; it was in July; there saw Shephard, Clark, and Luke (now dead) and White; Beckemeyer was not there on that occasion..... 283, 284
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When Browne handed me $1,000 he said nothing about my voting for Lorimer; Lorimer's name not used (testifies what took place)..... 308, 309
When I got $1,000, do not remember whether I counted it; did afterwards.. 309
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Lorimer elected Senator 26th of May, 1909, receiving 108 votes out of 202; Hopkins received 70 votes; Stringer received 24 votes (Report, 1, 2).
Lorimer, if admitted that four were bribed, he still had a majority of votes cast and election was valid (Report, 14).
Lorimer, letter to, stating I have been offered a sum sufficient to value manuscript at $2.50 a word, not true (White)..... 154
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After returning home husband received a telegram from Wilson; he read it to me..... 495
Husband and I did not discuss the $950..... 496
Husband was a member of Illinois general assembly in 1909; he died 21st of February, 1910..... 494, 495
Husband was in attendance at legislature at time of election of Senator, and returned to Nashville after adjournment of legislature, in June, 1909. 495
I have been sick; a number of persons followed me up trying to get me to tell some story about my husband; recognize gentleman [indicating Mr. John C. O'Laughlin] as one who talked to me a few minutes ago.... 496
O'Laughlin asked me to tell him what I knew before I came in here; said he was counsel for the Chicago Tribune; other parties came to see me.. 497
The $950 was in $20 bills, I believe..... 495

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About 5 minutes before senate came in I went and got couple of roll calls, and gave Browne one and Gorman or Alschuler one..... 489

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As to remembering about men not leaving their seats about a year and a half ago.... 492
As to where senators sat when they came into house.... 488
Browne did not leave his seat during the joint session after 12, until session arose; I was keeping a roll call at Browne's desk.... 487
Four seats around Browne were occupied at all times that day.... 488
If Aschuler asked me to go on an errand I would go, or for Beckemyer.. 487, 488
Know Meyers; saw him in house during that joint session after 12; he at no time went to Browne's desk or seat and talked with Browne.... 486, 487
Luke, who sat back of Browne, had a habit of roaming around.... 491, 492
Mind did not recur to this before August, 1910.... 488
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No other seat in aisle immediately adjoining Browne's seat; Meyers did not go to Browne's desk and sit in any seat adjoining him during that joint session.... 487
Remember joint session 26th of May, 1909.... 486
Was at Browne's desk when he made his speech; he did not step out in the aisle.... 488
Was present at voting for Senator on day preceding the day Lorimer was elected, at Browne's desk; do not remember whether anyone spoke to Browne that day.... 490
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Was with a particular member generally—Browne, the minority leader... 486
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Did not talk with members of house about Democrats voting for Shurtleff for Senator.... 314
Fifteen or twenty minutes before taking of vote for Senator I had conversation with Browne in the house; page came and said Browne wanted to see me; went to Browne's desk; Browne said, "We are going to put this over to-day, and I would like you to go with us;" I said, "Lee, I can't do it".... 312, 315, 316
First elected to legislature, forty-sixth general assembly; Browne was minority leader; was a member of Browne faction.... 312
Heard talk around lobby that Gov. Deneen was discussed as candidate for Senator.... 314, 315
I did not vote for Lorimer; no one asked me to vote for Lorimer except Browne and what the speaker asked me. (By error witness says, on page 316, he did vote for Lorimer.).... 315, 316
I testified at two trials at People *v.* Browne; never testified that Browne asked me to go and see the speaker; aimed to tell it last trial, but they wouldn't let me.... 315
I voted for the speaker, who was a Republican, as did all Democrats but one.... 313, 314
It was known that a Democrat could not be elected Senator unless Republicans went to him.... 314
It was understood that neither Hopkins, Foss, Mason, nor Webster could be elected.... 314
Out of 153 in house, I think there were 64 Democrats; others were Republicans.... 314
This ninety-fifth or ninety-sixth ballot was, I think, first time any Democrats had voted for Republican in joint assembly; prior to that no reference to voting for Lorimer by Democrats, only rumor (further testimony as to rumors).... 313

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Moral obliquity of some witnesses was such as to make it highly improper to accept their testimony as basis upon which any man's right to office should depend (Heyburn; Report, 16).
More than year after Lorimer's election Barnes presented charges on information that three members had been bribed by Browne, who was a Democrat and who was indicted and acquitted (Heyburn; Report, 15).
Most of the men charged with crime have been reelected (Heyburn; Report, 17).
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Bribery, Lorimer not connected with acts of (Report, 2, 3).
Bribery, which will invalidate election of Senator (Report, 2).
Bribery, White, chief self-accuser (Report, 3).
Broderick denies bribery and gives reasons for voting for Lorimer (Report, 14).
Browne, Broderick, and Wilson, committee find no warrant for believing either moved by corrupt influences (Report, 14).
Browne, suggestion his vote should be given Lorimer first made to him by Speaker Shurtleff (Report, 14).
Holstlaw, testimony referred to (Report, 13).
In Senate every presumption is in favor of integrity of the State (Heyburn; Report, 16).
Investigation chiefly directed to question whether sufficient number were bribed to vote for Lorimer to render election invalid (Report, 3).
Investigation, resolution for submitted to Senate by Lorimer May 28, 1910 (Report, 3).
Link; testimony reviewed (Report, 6, 7, 8, 9, 10, 11).
Lorimer; counsel for Tribune did not expect to connect with acts of bribery (Report, 2).
Lorimer elected Senator May 26, 1909, receiving 108 votes out of 202; Hopkins received 70 votes; Stringer received 24 votes (Report, 1, 2).
Lorimer if admitted that four were bribed, he still had majority of votes cast and election valid (Report, 14).
Lorimer, majority in joint assembly 14 (Report, 13).
Lorimer neither charged nor shown to have bribed or corrupted any Member or to have knowledge of any bribery or corruption (Heyburn; Report, 17).
Lorimer, no other person has claimed right to hold the office or to have been elected (Heyburn; Report, 15).

Report of Committee—Continued. Page.
Lorimer, title to seat in Senate not shown to be invalid by use or employment of corrupt methods or practices, signed by 10 members of committee (Report, 15).
Moral obliquity of some witnesses was such as to make it highly improper to accept their testimony as basis upon which any man's right to office should depend (Heyburn; Report, 16).
More than year after Lorimer's election Barnes presented charges on information that three members had been bribed by Browne, who was a Democrat, and who was indicted and acquitted (Heyburn; Report, 15).
Most of men charged with crime have been reelected (Heyburn; Report, 17).
Record of legislature consisted of 202 votes on joint ballot; 108 votes were cast for Lorimer (Heyburn; Report, 15).
Right to investigate character of legislature belongs to State (Heyburn; Report, 16).
Votes required to elect majority of a quorum of each house (Report, 2).
White contracted to sell his story to Chicago Tribune for $3,500 and to assist in substantiating it (Report, 5).
White, in letter attempts to extort money from Lorimer (Report, 4).
White, inquiry shows his corrupt character and casts suspicion upon truth of his story of bribery (Report, 3).
White, no credence ought to be given to any part of his testimony tending to establish bribery (Report, 5).
Right to investigate character of legislature belongs to State (Heyburn; Report, 16).
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As to what I heard about graft at Springfield..... 454
As to when I have worked at my craft..... 457
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Have been at Springfield representing Chicago Federation seven years.... 456, 457
Have been down to the legislature since forty-third session, 1903; there was always talk of graft, but nothing definite..... 453
Know James Doyle, of Springfield, president of the machinists; he asked me what kind of a fellow White was..... 454, 455, 456
Met White at the forty-fifth general assembly; he was then representing the Amalgamated Street Car Workmen..... 452
Said to White, "Charley, what have you got your mitt out against labor legislation for?" White said, "What do you mean?" I said, "Jim Doyle complains to me that you want money on this electrification bill, etc.; what kind of a labor man do you consider yourself?" White said it was a lie, etc..... 456
Was at Springfield when Lorimer was elected Senator; saw White there; saw one of the Yarboroughs there, don't know one from the other; had no talk with White during that session reference to election of Senator.. 454
Was very friendly to White forty-sixth session; at present time unfriendly. 454
White also said to me, "The niggers gave me the worst of it in the legislature, and I am going to make them put me on easy street, or I will make it damned hot for them." I said, "Charley, labor has many friends among the leaders on both sides," etc..... 453
White further said, "I don't give a damn for them; I am looking out for Charley White; if you know anything about graft tell me about it, and I will make it worth your while"..... 453
White loaned me money; I paid it back to him; he tried to collect it through Ed. Nuckols..... 454

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Believe I was one time asked if I could vote for Lorimer; think Browne asked me; no inducements offered 500, 501
Did not vote for Lorimer 500, 502
Do not know whether I had any talk with Groves or not; did not say to him, or in his presence, I had been offered money, or could get money, for voting for Lorimer 503
Heard of barrels being opened, but did not see any 503
I stated to White that the things I told him would happen to him had about all happened, etc 502
Mentioned the fact to White that his people were largely foreign, strong Democratic district, etc 501
My vote was not a purchasable commodity 503
Previous to election of Lorimer, can not say I heard serious discussion with reference to payment of money for votes; heard it talked afterwards, during the session, in a jocular way 504
Talk was kind of common down there about money being paid for votes for Senator, and I might have talked with Groves about that 503
Talked with White before election of Lorimer—about a week before; think White made remark if he got a chance to vote for Lorimer he was going to do it; I said, "Think you will make a great mistake if you do anything of the sort," etc 501
Think I was not present at conversation between Groves and Terrill, with reference to question of money being paid; wouldn't say positively 504
Think I was not there at the first part of the extra session; think it commenced in December; second or third day of the session I arrived there about 11 or 12 and went immediately to statehouse 502
When I arrived at extra session, I went to statehouse and slid into the north end of the row beside White and said, "Hello, Charlie," and he sort of grunted; finally turned to him and said, "Charlie, what's the matter with you?" He said, "Oh, I am sore at myself, sore at the world, and feel bad in general" 502
White's constituency were sore at him because he voted for Lorimer 503
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Arnold asked me if I knew a man in Chicago named McMahon (further conversation given) 326, 327
Arnold called me in at another time that afternoon and said: "Wayman has consented to give you one more chance," etc.; that night O'Keefe and I went down to the Great Northern Hotel; as to names in which they registered 325, 332
As to conversation with Arnold as to his having to treat me in the manner he did to get confessions 326
As to my giving a written statement, and what became of it 334
As to what took place before grand jury second time June 27; I said I never understood until I saw the paper this morning in regard to that $500 bill; he asked me if Bob Wilson gave me a $500 bill there, and I said "No." After grand jury examined me I went home and the next grand jury was at Sangamon 328
As to what took place in Browne's room, Southern Hotel, 21st of June 329
As to what took place while I was in custody of the officer 326
As to what was said when I was placed in charge of Officer O'Keefe; Arnold took me through offices in which sat White and others, into another one; Beckemeyer came in; Arnold said, "Were you in St. Louis June 15?" and Beckemeyer said, "I was"; Arnold asked, "Did you see Bob Wilson there?" Beckemeyer said, "I did" (further conversation given) 324
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Common practice of people of southern and central Illinois to meet at St. Louis 332

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Conversation in detail with Lorimer 318
Day Lorimer was elected George Alschuler, a member, came in and said, "So there is going to be something doing to-day; are you with us?" I said, "With you on what?" He said, "Are you going to vote for Lorimer?" I said "No" 317
Did not see Wilson give any of the party who were in his room in Southern Hotel any money or package; he called me into the bathroom 322
Have been an invalid eight or nine years; treatment before grand jury was severe strain on me 328
I did not get any money for voting for Lorimer or anyone else; never heard of any money going to be paid in Lorimer election 329
I relied on Lorimer's promise to do all in his power to prevent Richards or Becker being appointed postmaster; that was absolutely the only cause for my voting for Lorimer 318, 319
I said, in presence of Arnold, "Becke, did you see me get any money there?" and he said, "I did not, Shep.," etc 324
I said to Arnold grand jury can indict me for perjury, but you can't convict me for perjury; after that I was placed in charge of Officer Oake 323
I told Browne if I could prevent a fellow who is candidate for post office in my town from securing it I may be induced to vote for Lorimer; Browne said, "Oh, that can not enter into it" 317
I was a member of the Browne faction 319
I was in St. Louis day Wilson was there and met him, believe the 15th day of July, at Southern Hotel; there met Link, Luke, White, Clark, and, I think, Beckemeyer, all part of Browne faction 320
I was supœnaed before grand jury, Cook County; was put in charge of officer; Arnold, assistant State's attorney, called me out of waiting room, and said, "Bob Wilson has been in before grand jury and given testimony you are going to be indicted on for perjury; you have lied to 23 representative men of Chicago," etc 323
I would not have voted for Lorimer if he had not made promise as to preventing appointment of two men named 335
Lorimer was in the speaker's room, and I went in; Browne started to introduce me, but Lorimer said, "I know Mr. Shephard"; Browne withdrew and I said, "Mr. Lorimer, I have been asked to vote for you," etc., including "If you will promise me that neither Richards nor Becker shall be made postmaster I will vote for you" 318, 332
Met Browne in St. Louis some day after adjournment of the session, at Southern Hotel. He wrote me or telegraphed to meet him; think that was 21st of June, but not sure 319, 320
Murray and McMahon represented me before the grand jury; I paid them a retainer 333, 334
No one told me why Browne did not come to meeting at Southern Hotel; reasons for my going there on that date 320
Parties whom I talked with about my treatment before grand jury 334, 335
Pitman, W. S., was name of postmaster I suggested to Senator Lorimer, think in October 335
Presently, after talk with Alschuler, Browne called me back of the assembly room and said, "Harry, aren't you going to vote for Lorimer to-day," etc. (witness details further conversation between him and Browne) 318
Prior to election of Lorimer, possibly a week, Browne came into St. Nicholas Hotel, Springfield, and said, "There is going to be something doing soon in the election of a United States Senator." I said, "Whom is it to be?" He said, "Lorimer; could you vote for Lorimer?" I said, "No," etc 317
Was at safety-deposit vault in St. Louis the day I met Wilson, before I met him; how I happened to know that Wilson was in town; Wilson did not exhibit a $500 bill to me that day 321, 322
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As to how many of Tippit and Browne faction voted for Lorimer 704, 705, 706
As to number of Republicans and Democrats who voted for me for speaker. 713
As to what parties I was elected as speaker by at different times 695

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Deneen men called themselves "The band of hope" 705
Entire membership of both houses was 204, I believe 711
Have been a member of the legislature continuously since 1901 695
Have no recollection of Meyers coming to my desk the day of election of Senator; seem to have in my head sometime at somewhere Meyers said something to me about senatorship 706, 707
I voted for Kleeman for speaker 712
Never authorized anybody to make promises of payment of money for voting or because they had voted for Lorimer 696
Never made any promises of patronage or favors to induce any member to vote for Lorimer 696
No one ever gave me any money or thing of value to aid in election of Lorimer; never gave any to aid in his election 696
Suppose there was a faction known as the "Shurtleff faction;" I did not control them on questions involved before the legislature 709
Was speaker of house at time Lorimer was elected Senator 695
Was speaker of the house twice before the present assembly 695
Word was sent to me by speaker of the senate to permit some to change their votes and be enrolled for Lorimer; Lorimer got 108 on the first call of the roll 709, 710
Simmons, Charles H., engineer and contractor, Chicago, Ill., testimony of 669
After conversation next saw White on stand at Browne's second trial; had seen his picture in paper before 673
Did not hear White's reply, but Browne took money out of pocket and handed White a few five-dollar bills, about $25; White said, "Good-by," and went out 669
Farley ran ringers on Detroit track and was indicted; was paid by Farley to look after his interests here 670
Got a call from Walsh to go to Briggs House 17th June; how I fix date; Walsh was not there 669, 671
Had not seen Browne or White before as I know of; was not interested in the conversation 671, 672, 673
Have bet on race horses 670
In Briggs House June 17, 1909, between 12 and half past at noon in public rotunda; saw Browne and White step aside from other gentlemen, and White said, "I am going home, and I am broke; can you let me have a little money?" Browne said, "I haven't got much; how much do you want?" etc 669, 671, 672
No previous personal acquaintance with Browne or White 670, 671
Not done anything with race horses since 1903 671
Other gentlemen in rotunda at time referred to 673
Western Jockey Club tried to railroad Farley through because he beat them out of their money 672
What I was doing in Briggs House at time 669
When I first repeated this conversation and to whom and where 672
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Browne and White had been on boat trip the day of this conversation; Browne was sober when I saw him; White was drunk and made these threats; never heard threats before or after; Zenter and I spoke of conversation next day 532, 533
Browne is around Briggs House a great deal; has lived there since May this year 532

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How I know it was 19th of August I had conversation with White; Browne was drinking, but didn't see him drinking that night; White was a little quarrelsome at first and a little talkative 536, 537
Know that Browne and White took trips across the lake 532
My story was reduced to writing and handed to attorneys 533
On occasion of conversation with White, Zentner and White had apparently been drinking all day; at 11 o'clock at night White was very drunk; Zentner not very, but apparently taking care of White; didn't see Browne with them that day 534, 535
On or about 19th of August, 1909, in my presence and that of Zentner, White said in substance he was going to take a trip in the fall and winter, etc 531, 532
Other than one or two words, my testimony here is same as on trials of Browne 534
Think Browne arrived at the Briggs House 15th of June; think he remained two or three days; as to Arnold and myself looking up register to see ... 535, 536
This is third time I have testified 533
Zentner or I said to White, "You must have a lot of money to spend for anything like that." White replied, "No, but I am going to get it without working; that Lorimer crowd and our old pal Browne have got to come across good and hard," etc 531, 533
Zentner said to White, "Have you got anything on them?" White said, "No; I got the worst of it in Springfield, but that makes no difference; I can say I got money for voting for Lorimer; I guess they'll cough off when I say the word" 531, 533
Zentner said to White, "You wouldn't treat Browne that way, would you?" White said, "I am looking out for White, and Browne wouldn't have to pay," etc 531, 533
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Terrill, Henry, member of forty-sixth general assembly; Democrat; house; merchant, Colchester, Ill., testimony of 497, 680
Did not ask Griffin what there would be in it for the purpose of soliciting a bribe, but for curiosity 682, 683
Did not tell Griffin my purpose in asking the question 500
I do not mean to intimate that I could be purchased 498
My purpose for asking Griffin the question 499, 682, 683
Never told anyone I could earn $1,000 if I voted for Lorimer 682
Nobody told me they were getting anything for voting for Lorimer 498
Prior to election of Senator, Griffin, a Democrat, member of the house, asked me to vote for Lorimer; I asked him what there would be in it, and he said $1,000 anyway; think this was the night previous to election of Lorimer 498, 680, 681
Remember election of Lorimer, 26th of May 497
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Threats of White:
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As to bills which White owed..... 274, 275, 276
As to how much White owed me..... 273, 274
As to my position and Mr. White's when I saw the money..... 272, 273
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Talked with Shephard outside of jury room, and went in jury room when I examined him before grand jury..... 369
White and Browne did not know each other until elected to legislature, admitted (Hanecy)..... 39
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After adjournment of house on June 4 I met Browne in Chicago—think June 16—at Briggs House (conversation detailed)..... 52, 54
After I was put in custody of officers five or six men from State attorney's office traveled with me..... 160
After session closed correspondence came up with Browne about getting position for me..... 116

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After writing to Senator Lorimer I wrote to Browne; think February 27, 1910, to which I received no reply..... 175
Age, 29 years..... 164
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Browne; wrote letters to and received letters from him after adjournment of house, and met him thereafter in Chicago..... 52
Browne got one of the Yarboroughs a place through my suggestion..... 142
Browne said he ought to have more than some other members, because running greater chances, etc..... 82
Browne solicited me to support him for minority leader, think as early as November, 1908; frequent meetings with him with other Democratic members looking to his election in or about January, 1909..... 39
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Browne's candidacy; I supported..... 39
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Can't recall date I gave check to John or Joe Davidson..... 191
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Chicago Tribune; wanted time to investigate story and have corroboration; I went with an officer to some members in southern Illinois (naming them)..... 166
Clark, Joseph, Democratic representative; conversation given that he wrote Browne he was not satisfied with amount received from Wilson... 82
Clark, Joseph, met me in Chicago last summer and on boat on way to Waukegan..... 82
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Contract with Chicago Tribune; do not know who drew it; nobody did it for me 155
Contract with Chicago Tribune does not speak the truth entirely; James Keeley was the Tribune man I was talking with; Mr. Alfred Austrian and Thomas Maguire were present 151
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Conversation with Browne about voting for Lorimer; as to time and place. 140
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Democratic candidate for Senator was Lawrence B. Stringer 40
Deneen, Gov., not an adherent of his; met him only twice to talk with him; time and place given 174, 175
Did not deposit all of money received from the State for salary, etc.; kept good deal to pay incidental expenses and notes given for campaign expenses 194
Did not deposit any money received from Browne in any bank 194
Disposition of the $900 given, including trips on the Lake in company with Browne 187, 188, 189
Do not know for what reason I am in custody of an officer 133
Do not recall man I left money with in department store; I counted it in presence of Kirkpatrick and marked amount on envelope, think $700 or $800 195
Draft, payable to Browne, signed O. Haiberle, cashier, dated Sept. 23, 1909 (marked "Exhibit I"), has my signature on the back of it 122
Drew my salary, all of it I think, before last of February, in two installments; as to aggregate amount received 194
During time I was conferring with Chicago Tribune I was told by Keeley it was a case for the State's attorney, and I better consult him about the matter 157, 158
Early in the session talked with Browne about getting me back to old position on railway or some other; Browne wrote the company; company replied declining to hold position open 116
Eighteen dollars for room rent is payable to William P. Lantz, bill of Calkins is for $16.43 196
Elected to general assembly Nov. 3, 1908; prior to election, conductor on interurban railway 37
Father's name J. A. White 196
First National Bank of O'Fallon; first opened an account there at beginning of the session directly after getting my salary, presume in February, 1909; as to money deposit there 193
First talked with Browne with reference to voting for Lorimer for Senator night of May 24, 1909, in his room, St. Nicholas Hotel, Springfield; conversation given 39, 40
Gave Dan Evans small sums at different intervals 191
Gave Sid Yarborough about $30, after I got the money from Browne; can't give date, near the last of June 190
Gibbon, Mike, Browne sent $200 to Chicago by; he was Browne's stenographer and secretary 188
Gloss, George, conversation with 174
Gloss, George, know him; he testified in Browne case 139
Gloss, George, know him; last I knew of him he was motorman on street car in Chicago; do not remember whether I met him Sunday before election of Lorimer; never discussed with him possibility of electing Lorimer 146
Gloss, George, might have met him at Briggs House in July, 1909, after Lorimer's election, but couldn't be positive (further questions asked as to conversations with Gloss) 148
Gloss, George (testimony at first trial read to witness), do not now recall what the questions were, and do not now remember conversation with him, etc 147
Got the $10 of Stermer asked for in the letter and repaid it 414
Gray, Will, came up here from St. Louis with me, and we spent money freely 188
Had no business or office in St. Louis or in O'Fallon 195

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Had other correspondence with Browne besides letters marked "Exhibits 1 and 2;" I wrote and signed letter to Browne marked "Exhibit A, July 12, 1909" 114, 115
Have been told I am to be a witness in the Gloss case and the Wilson case; that is not to my knowledge why I am in custody of an officer..... 152
I am not possessed with means; never have been married; expected to get money enough to pay expenses..... 161
I did business under the name of Johnson & White Realty Co. and the National Claim and Adjustment Co. (bills against both referred to)..... 193
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"Jack pot"—
I asked Browne about it at time he offered me money to vote for Lorimer. 48
Knowledge of..... 50
Met Wilson in Southern Hotel (names Democratic members of house present in room and details conversation); he paid me $900 in bath-room..... 81
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Received my money from Mr. Wilson, member of legislature..... 47
Was told I would not get any from, until 3 months after session closed.. 48
Would have voted for Lorimer for the $1,000 without the..... 49
Jack-pot money; did not deposit any of that in bank; kept it in my pocket when I was'nt spending it; accounts in banks in St. Louis and in O'Fallon were checking accounts..... 195
Johnson and White; I am the White of that concern (bills paid out of the money received from Browne June 16 or 17, 1909, marked "Exhibit 1B," "Exhibit 2B," "Exhibit 3B," "Exhibit 4B," and "Exhibit 5B")... 181–183
Joy, James B, never heard of him before he was called on witness stand.... 138
Joy, William, extent of my acquaintance with..... 174
Joy's saloon; did not say there or any other place I could have voted for Stringer for Senator and there would be nothing in it for me and was going to vote for Lorimer, etc..... 138
Kerns, Thomas—
Did not have any conversation with him in relation to holding up any bill..... 178
Did not talk with him about defeating a bill so as to get money. (Witness denies conversation relating to Senatorship election)..... 136
Know who he is, member of the legislature, but not any too intimately; think he was chairman of committee of which I was a member; don't think had any conversation with him except he mentioned seeing Browne and me in Michigan with certain people, etc..... 136
Kirkpatrick, T. P., was the man who took me to the cashier who received the money at the Grand Leader; can not recall cashier's name..... 185
Last summer on train going from Chicago, on Chicago and Eastern Illinois, Clark told me that Link was willing to vote for Lorimer for $500, but by his getting Link to hold out they got $1,000..... 412
Legislature—
As to counsel agreeing to political affiliations of members of..... 52
Was elected to as a Democrat..... 109
Was sworn in as member of by Chief Justice Cartwright (form of oath read)..... 107
Wrote of my experience in (objected to; not admitted at this time).. 102
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Letter to Senator Lorimer of Sept. 4, 1909, was written for the purpose of obtaining a reply to be used with the exposure, etc..... 150
Letter to Senator Lorimer of Dec. 4, 1909, wherein I state I have been offered a sum sufficient to value the manuscript at $2.50 a word was not true..... 154
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Lorimer; after my vote for, I received $100 in Springfield, then $900 in Briggs House, Chicago..... 52
Lorimer; Democratic members, before May 26, 1909, had none of them, to my knowledge, voted for..... 52
Lorimer, elected Senator in joint session May 26, 1909; was notified by Browne it would come off then..... 51
Lorimer, I hoped to get letter from, to use in connection with publication; had no evidence against Lorimer directly, no dealings with him..... 164
Lorimer money and "jack-pot" money, how and when I spent it, previous to letter Sept. 8 to Browne asking loan of money..... 167
Memoranda of debts paid (marked "Exhibit 1 C," and "Exhibit 2 C"); paid my stenographer, Miss Vandeveer, back wages, $50.50; paid Otis Yarborough $50..... 183, 184
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Money paid me by Browne in Chicago (conversation)..... 54
Money paid me by Browne in Springfield, circumstances and conversation..... 55
Money received in installments; times and circumstances given..... 116
Money, received the $50 on the 16th, and on the 17th received the $850.. 139
Montgomery Advertising Co., no company to it except myself and the people who assisted in the business..... 192
My salary account in legislature was $2,000 and mileage, and $50 for postage; drew all my salary before the last of Feb., 1909..... 178
Never killed anyone; was never arrested..... 165
New York Tribune, somebody told me to go to (objection to witness stating by whom; decided as not competent at this time)..... 85–87, 100
Note for $50 payable to Browne signed by me dated Sept. 8, 1909 (marked "Exhibit C"), is my handwriting; Browne loaned me that $50; paid it back to him (time and circumstances detailed)..... 117, 118
Note, payable to Browne, dated Sept. 25, 1909 (marked "Exhibit K") signed by me; paid this note same time paid the other one, after 29th or 30th of June of this year..... 123

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Prior to publication of story I stayed in Chicago a good deal of the time ... 166
Receipt presented here of $16.42, how made up ... 195
Representative of street electric railway employees at Springfield during session of 1907 ... 37, 106
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St. Nicholas Hotel; made it my stopping place until end of session, which commenced early in January and lasted until 4th of June ... 138
State's attorney; discussed with him matter of corruption in legislature ... 159
State's attorney; I went to him some time in March, should judge; did not take the story there with me ... 158
State's attorney; I went to his office because Keeley thought it was a case for him ... 163, 164
Stermer, William; extent of my acquaintance with ... 172
Stermer, William, met him through Browne at Briggs House; also Fred Zentner (witness asked as to conversations with them, including statement that he must have a lot of money without working, etc.). 133, 134, 135
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Story published in Chicago Tribune, never counted number of words (reason given as to why he stated in letter to Senator Lorimer contained about 30,000 words) ... 154
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Story that I have told to committee here substantially the story I told to the State's attorney for this county ... 112
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Story with reference to Lorimer election was completed in September, 1909; statements or testimony in court have not varied from written manuscript so far as I know ... 165
Stratford Hotel, stopped there while in Tennessee; Otis Yarborough was with me ... 189, 190, 191
Talked with Browne afternoon May 25, 1909, in his room; conversation detailed, including promise of $1,000 cash and as much or more from "jack pot" ... 41–51
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Testified in two other cases on same matter have testified to here (cases named) ... 114
The $250 was paid by Tribune to me prior to agreement with me, and in small amounts, as expenses ... 166
Tippit was an adherent of Roger C. Sullivan ... 110
Tribune, prior to opening negotiations with, had completed story ... 165
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Tried to get another man to go to a man and confess ... 175
Turner introduced himself when with me in different parts of the State as Tierney ... 160

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Vote of the joint assembly electing Lorimer United States Senator was May 26, 1909; no more joint sessions afterwards that day; final adjournment was somewhere 4th or 5th of June..... 115
Voted for Lorimer for United States Senator May 26, 1909, the only time I voted for him..... 41
Was in real estate business and had a partner at East St. Louis..... 190
Was not indicted for the story I told; was in custody of an officer for a time; am still in custody of one of the officers of the office of State attorney for Cook County..... 113
Was raised in Knoxville, and that is the place I visited when I said I went home..... 196
Was subpœnaed to come here; have been in custody of an officer since criminal court commenced proceedings in March or April; details of service of subpœna..... 196
When I received this money and went to O'Fallon and then to East St. Louis I exhibited it in presence of Yarborough, Dennis, and Miss Vandeveer; made a deposit about $800 of the money not of record, but with the cashier of Grand Leader department store..... 184, 185
Why I am in custody now, not positive; understand held for Wilson and Gloss cases..... 114
Woods, Katherine, lunched with her in St. Louis; talked with her several times (witness was asked about various conversations with her).. 130, 131, 132
Woods, Katherine; my acquaintance with her was substantially going in and buying cigars..... 172
Yarborough, Otis; Browne caused him to be put on pay roll of Illinois as a janitor; as to Browne securing appointments for others..... 174
Yarborough, Otis; did things around the office, but not as a secretary; possibly he worked a month, maybe longer, for me..... 144
Yarborough, Otis and Sydney; were in my room at time Browne came there night 24th of May, 1909; they were in bed in my room and heard Browne invite me to his room..... 141
Zentner accompanied me on trips as the friend of Browne..... 173
Zentner, Fred, extent of my acquaintance with..... 172, 173
White contracted to sell his story to Chicago Tribune for $3,500 and to assist in substantiating it (Report, 5).
White in letter attempts to extort money from Lorimer (Report, 4).
White, inquiry shows his corrupt character and casts suspicion upon truth of his story of bribery (Report, 3).
White, no credence ought to be given to any part of his testimony tending to establish bribery (Report, 5).
White, threats of:
Clark..... 363
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Rossell..... 452, 453
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Zentner..... 538
Wilson, Robert E., member of forty-sixth general assembly; Democrat; house; real estate; employed by my brother; Chicago, Ill.; testimony of..... 717
After I returned from St. Louis I reported to Browne on subject of banquet; think I reported to Allison on the telephone..... 728
After subcommittee of Committee on Privileges and Elections met in Chicago, about 20th of September, 1910, I knew of it; only knew they had met when I got back: think 17th; think subcommittee had adjourned..... 718
Am a member of the legislature now; was renominated at a direct primary in my district in Chicago on 15th of September, and was reelected Nov. 8 for two years, the session commencing next January..... 745, 746
As to correctness of testimony of Shephard in regard to my taking him into bathroom, and asking him who lady was I saw him with in St. Nicholas Hotel..... 743

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As to when Browne banquet was first talked of, and whom I talked with .. 727, 728
As to when I left Chicago after primaries 718, 719
At St. Louis morning of July 15 I met Beckemeyer, Luke, Shephard, Link, Clark, and White; expected to meet them there 723
At the meeting in Springfield Beckemeyer said some men named Tierney and White were down to his town to see him, and White accused him of receiving money for voting for Lorimer; I said to him, "Did you get any money?" He said, "No; I didn't get any money, and anybody who says so is a liar" 734, 738
Before all this trouble came about I weighed 200 pounds; I have lost 30 pounds 746
Before the grand jury I may have said I had not seen Shephard with a woman at St. Nicholas Hotel and had no discussion with him about being with a woman at the St. Nicholas Hotel 732
Browne and Broderick were reelected 747
Browne faction residing in southern Illinois I knew well 722
Browne is a personal friend 717
Clark in Springfield said that Tierney and White were there and he went over some talk in regard to their receiving money for voting for Lorimer, and also from me, and I said, "There is nothing to it; I do not believe there is a thing to it" 738
Daresay I registered at the hotel in St. Louis; did not stay to dinner 740, 741
Did not hand package to Link at Southern Hotel, St. Louis 732
Did not know White very well 722
Did not pay White any money on that day in St. Louis, nor Beckemeyer, nor Link 729
Do not always go to Peoria from Chicago by way of Springfield, but this time I had some business at Springfield 736
Do not know where Allison lives 728
Do not know whether Browne intended to go to St. Louis meeting or not; think probably he did 740
Do not know whether I wrote letters personally to them to be there; can not tell how I notified them; think I sent Clark a personal letter and told him to let Link know 723, 724
Do not recall that I was at Briggs House the day before I left for St. Louis. 722
Do not remember meeting any southern Illinois members at St. Louis until after I was in my room; as to the order in which they came to my room in St. Louis 741
Do not think White went into my bathroom with me; do not recollect that I called him into the bathroom 729
Had seen Shephard at St. Nicholas Hotel, Springfield; heard he was dining there with some lady 730
Have no recollection of conversation with Shephard in bathroom adjoining my room in Southern Hotel; chances are I did have 730, 731, 743
Have no recollection of sending White a telegram to meet me in St. Louis; figured it that telegram was a fake 724, 741, 742
Have no recollection whether I called Shephard into my bathroom or not; if Shephard testified I did I'll say I did 729, 730
Have not stated Browne was to attend that meeting in St. Louis with reference to the banquet 740
If Beckemeyer or Link testified that we discussed the meeting of July 15 and the subject was banquet for Browne, and talked with me about writing a letter and sending it to southern Illinois member fixing a meeting place at St. Louis, they were not correct 735
If Beckemeyer testified that on the same occasion I handed him a package containing $900, it is not correct 733, 734
If I went through what Link went through probably I would have said $1,000 or any other sum; Shephard was on a bench at one end and Link on the other; I said to Meyer, "There is Link and Shephard sitting on a bench over there; Link's eyes are sticking out of his head and Shephard is doubled up like a jackknife;" know only about third degree what these men said 732, 733

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Knew Browne's attitude in regard to banquet when I went to St. Louis; he opposed the banquet..... 728
Letters shown me dated June 26, 1909, addressed Beckemeyer, Carlyle, Ill., is my signature; it refers to Doc Allison; if Beckemeyer says it was received by him in April or May, 1910, the statement is incorrect; letter shown me does not look like my letter "B," but presume it is, possibly I had somebody write it for me and sign it; no doubt I dictated this letter..... 736, 737, 738
Made up mind to go to St. Louis after discussing subject with Browne.... 727
Made up my mind if Democrats were to vote for Lorimer I would be one of them; I had a personal reason; Sheriff Barrett, a Democrat, was sick and was a close friend of mine; Lorimer called on him and Barrett said to me, "That's one of my best friends," etc., "and any time you have a chance to bestow any favor on Lorimer wish you would do it"..... 720
May have written letters to Link and Beckemeyer with reference to a banquet for Browne..... 735
Met Clark by accident while this matter was being investigated in Springfield, think earlier than the 28th of April, but that week; met Beckemeyer same day..... 734
Met Shephard in Chicago one Sunday; can not give date; Dawson and I went to Briggs House and met Shephard in lobby; if that was after Tierney had been there no doubt he brought up the subject..... 739
My absence from Chicago was not for purpose of avoiding serving of a subpoena..... 745, 746
Never paid White, Link, Beckemeyer, Holstlaw, or any other member of the assembly any money at any time to vote for Lorimer, or because they or anybody else had voted for Lorimer..... 743
No one requested me to go to St. Louis..... 729
Presume it was the 14th I left Chicago; Browne was not sick; he may have been recovering..... 725
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61ST CONGRESS, 3d Session. } SENATE. { REPT. 942, Part 3.

CHARGES RELATIVE TO ELECTION OF WILLIAM LORIMER.

JANUARY 9, 1911.—Ordered to be printed.

Mr. BEVERIDGE, from the Committee on Privileges and Elections, submitted the following

VIEWS.

[To accompany S. Res. 247.]

I can not concur with the report of the majority of the committee. To my mind the testimony is conclusive that far more than enough bribery was practiced in this election to invalidate the same, even under the Senate precedents upon which the majority rely.

THE FACTS.

The majority report itself declares that " four members of the general assembly testified to receiving money as a consideration for their votes." Each of these men did so testify repeatedly.

Senator Holstlaw testified that he received his money from his fellow senator, Broderick, at two different times, the first installment being $2,500, and the second amount being $700.

Representatives Beckemeyer, White, and Link testified to having received their money from their fellow representative and factional leader, Browne, and from Leader Browne's lieutenant, their fellow representative, Wilson.

Like Senator Holstlaw, these three representatives received their money also in two installments, the first being $1,000 and the second $900.

It is of corroborative importance that the dates when Senator Holstlaw received his two installments from his fellow senator, Broderick, are practically the same dates on which the house members received their two installments from their fellow representatives, Browne and Wilson.

Now comes an undisputed fact of conclusive force, although the majority report ignores it. These confessed bribe takers were shown to have had in their possession, in bills of large denominations,

unusual sums of money soon after the dates when they swore to having received the same.

This fact is proved by the uncontradicted testimony of impartial and disinterested witnesses.

For example, on the very day that confessing bribe-taking Senator Holstlaw received his first installment of $2,500 in currency of large denominations from his fellow senator, Broderick, in Chicago, he personally deposited that very amount in the State Bank of Chicago in currency of large denominations. This is proved by Mr. Newton, the cashier of the State Bank of Chicago, who personally received this $2,500 from Holstlaw in currency of large denominations. It is proved by the bank's regular deposit slip formally showing this transaction.

Again, Representative White, under the same circumstances, was seen in possession of unusual sums of money in bills of large denominations. This is proved by the uncontradicted testimony of Miss Vandeveer, White's bookkeeper; Mr. Dennis, a business associate; and Mr. Kirkpatrick, an employee of the store where White deposited several hundred dollars. These three impartial witnesses saw the money and swear that it was in bills of large denominations.

Representative Beckemeyer, under the same circumstances, deposited $500 in a bank at Belle Isle, Ill., although he did not live at Belle Isle and had to be identified at the bank. This is proved by the uncontradicted testimony of James Gray, a business man of Belle Isle, who identified Representative Beckemeyer at the bank at the latter's request.

Mr. Gray saw the money and swears that it was in bills of large denominations, twice mentioning a $100 bill. The size of the bill, and indeed, the whole transaction, seems to have impressed Mr. Gray, for he asked Representative Beckemeyer where he got it.

The subcommittee refused to permit Mr. Gray to tell Mr. Beckemeyer's answer. It appears that two other gentlemen—Mr. Ford and Mr. Murray—would have testified to the same facts to which the committee would not permit Mr. Gray to testify, but under this ruling of the committee both Mr. Ford and Mr. Murray were abandoned as witnesses.

Of the four men who repeatedly testified to having received this bribe money, only Link was not shown to have been seen with the cash. But Link repeatedly testified under oath at various times that he did receive the same amounts of money under the same circumstances and at the same times and places where his fellow members received theirs. And this repeated testimony of Link's is corroborated as to circumstances by the testimony of the others.

The majority attack the confession under oath of these bribe takers upon various grounds. For example, the majority report says, or at least strongly implies, that three of them were "compelled" or "driven" to make these sworn confessions because of their treatment by the officers of justice of Cook County and Sangamon County, Ill., who were investigating this and other transactions before the grand juries of those counties.

The majority lay great stress upon the testimony of bribe-taker Link as to his treatment by State's Attorney Wayman and his assistants, State's Attorneys Arnold and Marshall, and the officers in charge of Link in connection with the grand-jury proceedings in

Cook County, before which grand jury Link finally made his full confession under oath. The language of the majority suggests sympathy for bribe-taker Link under this treatment and condemnation for the officers of justice whom Link says subjected him to it.

But Link's theatrical account of what he calls the "third degree" to which he was subjected is explained by the testimony of State's Attorney Wayman. For example, in the matter of being placed in the custody of an officer in Chicago and to and at his home afterwards, it actually appears that Link was very glad to have the officer with him for protection, if indeed, Link himself did not ask that an officer be sent with him.

The men of whom Link most bitterly complains are Assistant State's Attorneys Arnold and Marshal, particularly the former. Yet the committee did not subpœna these officers of justice to give their account of Link's story, although they were residents of Chicago, in which the hearing was held.

The majority seem to think that the remarkable so-called third-degree story told by Link actually "compelled" him to testify to a falsehood in confessing his bribery both before the grand jury and before the subcommittee. If so, it was important that Arnold and Marshall should give their account. Yet they were not called. If not—if Link testified to the truth when he swore before the subcommittee, as well as before the grand jury, that he received this bribe money—why is the majority so concerned about Link's third-degree melodrama?

The majority report ignores one reason that Link repeatedly gave for denying that he met Browne and Wilson and got the bribe money from them. Link swears that he made this denial because he did not wish to get his "friends in trouble." Who were these friends whom Link was so afraid of "getting in trouble," that, to protect them as well as himself, he at first committed perjury by denying having met Browne and Wilson and getting money from them?

But after all, this phase of the case upon which the majority lays such emphatic emphasis is not material unless the Senate believes these confessed bribe takers did not tell the truth in their repeated statements under oath that they actually did receive this bribe money, but, on the contrary, that they were "compelled" or "driven," as the majority say, to this repeated perjury by the conduct of the State's attorney and his assistants.

What the Senate must determine is whether it believes, as a matter of fact, that these men actually did receive the money which they testified to having received, and large amounts of which were found in their possession in bills of large denominations about the time they testified to having received it. This is the question before us—not the conduct of the officers of justice.

Upon this point the testimony convinces me that "four members of the general assembly which elected Mr. Lorimer" who "testified to receiving money as a consideration for their votes," actually did receive such money.

If they actually did receive such money, from whom did they receive it? They testify that they received it from their fellow representative and factional leader, Browne, and his lieutenant; their fellow representative, Wilson; and from Broderick, the fellow senator of Holstlaw.

If they did receive it from these men, these three bribe givers are as guilty as the four bribe takers. In law bribery includes the giving as well as the receiving of bribes, and the bribers are equally culpable with the bribed. In morals these bribe givers are even more culpable than the bribe takers, because they were men of greater influence, intelligence, and force of character.

The majority report exonerates these three accused bribe givers upon the ground, chiefly, that they denied the accusation. What else did the majority expect these accused bribe givers to do except to deny that they gave the bribe? What else could they have done unless they, too, confessed?

Did the majority expect everybody concerned with these corrupt proceedings to confess?

Is bribe giving to be proved only by the sworn confession of the bribe givers? Is not the law settled, clear, and conclusive that bribery may be and often must be proved by circumstantial evidence?

It would be a rare case where any culprit could be convicted before a jury of bribery or conspiracy to bribe if the courts should take the view of the law taken by the majority of the committee.

Why did Browne take the long journey to St. Louis to meet his fellow members, who testified that they received their bribe money from Browne at St. Louis? Browne lived at the other end of the State. His excuse that he went to St. Louis to talk politics to these men is absurd. It had been hardly three weeks since he had seen them at the legislature in Springfield, where he had been in constant communication with them for months.

The campaign about which he says he went to see them did not occur for more than a year in the future. And having taken this long and disagreeable journey to meet these men in St. Louis about the campaign a year in the future, he remained there only between trains, arriving about 8 or 9 in the morning and leaving at noon.

The explanations of Wilson are fully as bad or worse. And Broderick had no explanation at all as to why Holstlaw, who never before had visited Broderick's saloon at Chicago, should come from his home in the country town of Iuka and go a mile and a half from the railroad station in Chicago to Broderick's saloon, which is across the bridge on the West Side.

According to bribe-giver Broderick, bribe-taker Holstlaw merely came to Broderick's saloon in Chicago just to visit, without any reason whatever. Yet he had never done such a thing before. He never frequented saloons. On important points Broderick refused to testify on the ground that he might incriminate himself.

And note this: Both times that Holstlaw made these visits to the saloon of his fellow senator, Broderick, in Chicago, were about the same times that his fellow bribe takers were receiving bribe money from their fellow representatives, Browne and Wilson, in St. Louis.

The failure of these three witnesses, Browne, Wilson, and Broderick, to appear before the subcommittee at the time they were subpœnaed; the successful efforts made by his counsel to delay the testimony of Broderick; the explanation of Wilson and Browne as to their nonappearance are significant.

They are almost as unreasonable as are Browne and Wilson's grotesque excuses for their meeting the three bribe-taking representatives in St. Louis, or as Broderick's novel account of the bribe-taking

Senator Holstlaw coming from his village home out in the State and unexpectedly visiting his saloon on the West Side without any reason whatever.

In short, the testimony is overwhelming and conclusive, not only that four members of the general assembly who participated in this election were bribed, but that three of their fellow members of the general assembly paid them their money.

I am not able to follow the mental processes which can concede that these four bribe takers got their bribe money, and yet they did not receive it from their three fellow members whom the four bribe takers testified had paid it to them and whom it is conceded that the four bribe takers met under circumstances not reasonably explained.

If the confessed bribe takers did receive this bribe money, from whom did they receive it if not from their fellow members who admit having met the bribe takers when and where the latter testify that they did receive the bribe money from these accused bribe givers?

So the evidence convinces me that at least seven tainted votes were cast in this election.

But these seven votes, which under the statute and the precedents are enough to invalidate this election, were not all of the tainted votes cast in this putrid transaction. The testimony shows that at least three additional corrupt votes were cast—those of Clark, Shephard, and Luke.

While Shephard and Clark did not confess, and Luke, who is dead, could not confess, the evidence convicts them of having shared the plunder at the same times and places—from the same hands and for the same consideration as their fellow members who repeatedly testified to having received it, and who were afterwards shown to be in possession of it.

It is conceded that these three members, Clark, Shephard, and Luke, belonged to the faction and were the followers of their fellow representative and factional leader, Browne. It is conceded that all of them met Browne and his lieutenant, Wilson, by appointment in St. Louis at the same hotel and at the same time that the confessed bribe takers are conceded to have met Browne and Wilson.

Luke's wife testified that along about this time Luke came home and showed her $950 in bills of large denominations, without saying where he got it. The committee declined to permit testimony as to Luke's statement concerning this money and his visit to St. Louis.

I think this ruling was in direct conflict with the ruling on the same point in the Clark case. Still, without this excluded testimony, the evidence, taken all together, shows that Luke got the money in the same amounts and from the same sources and in the same places at the same time that the confessed bribe takers got theirs.

Representative Shephard met his fellow representative and factional leader, Browne, and his fellow representative, Browne's lieutenant, Wilson, at St. Louis, at the same time, in the same room of the same hotel where his three fellow representatives who repeatedly confessed to having received this money from Browne and Wilson at those times and places.

The testimony shows that Wilson paid at least some of this bribe money to the bribe takers in the bathroom of his hotel room. White swears that he, himself, was called into the bathroom by Wilson, and

was there paid his second installment of $900. White swears that he heard Wilson call Shephard into the same bathroom, from which they shortly emerged.

Shephard himself admits that he was there and that Wilson called him into the bathroom, but only to ask him the name of a lady Shephard dined with in Springfield almost two months before. Shephard admits having visited a safety deposit box which he had rented in St. Louis the very same forenoon that he met Wilson at the hotel, and was called by Wilson into the bathroom.

Shephard's only excuse for visiting St. Louis on this interesting occasion was that he made the journey to get some packing for his automobile. This was a remarkable excursion for a banker and business man. We are asked to believe that Shephard's meeting with fellow representative, Wilson, at St. Louis at this lucrative conference was a pure accident, a mere coincidence.

Apparently the majority of the committee do so believe.

If we credit Shephard's testimony our indignant sympathy is aroused for this victim of one of these malign tangles of circumstances and events which sometimes entrap the most virtuous of men.

But regardless of whether or not Shephard got any money for his vote he was bribed to vote for Lorimer by the promise of influence concerning an office. This bribery was arranged and consummated between Shephard and Lorimer himself. Shephard himself declares that, "rock-ribbed Democrat" as he was, the promise of Lorimer's influence concerning a post office was "the consideration" for his vote.

Of course, in law this is quite as much bribery as if Lorimer had paid him cash in hand. On this the authorities are unanimous.

Representative Clark also met his fellow representative and factional leader, Browne, and his fellow representative, Wilson, Browne's lieutenant, at St. Louis in the same room of the same hotel, at the same times that his fellow members who confessed to taking bribes at those times and places met Browne and Wilson. Also, like the others, Clark met Browne and Wilson in St. Louis at the latter's request.

But Mr. Clark says that he did not receive any money on either of these occasions. He sticks to the story that Browne did nothing but just talk on the first occasion. Browne says that this talk was about "politics." Clark says that his interview with Wilson on the second occasion was more or less miscellaneous. Yet both Browne and Wilson made long and uncomfortable trips for a brief period of such conversation with Clark.

It must be remembered that Clark was a police magistrate in a fair-sized country town. As such he was better schooled than his fellow-members in the effectiveness of stout denial and persistent avoidance of damaging admissions. Indeed, we find Clark almost the firmest and cleverest of the conspirators who were resolving and arranging to stand pat in their denials.

Yet Clark, police magistrate of a country town, purchased diamonds during the session of the legislature, for which he paid after the legislature adjourned. Taken in connection with all the testimony in this case, the testimony of Clark himself convinces me that he was as guilty as the others.

If the Senate conclude that these three men, Luke, Shephard, and Clark, also received this bribe money we have 10 tainted votes cast in

this election, or 4 more than enough to invalidate the same even under the precedents which the majority cite. With these 10 putrid votes I shall stop, although the evidence also entangles one other. So, if there were 10 votes, or even if only 7 votes were corrupt, what is their legal effect on the election involved?

THE LAW.

To elect, the statute in terms requires "a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting." The number of votes that constituted the joint assembly that elected Mr. Lorimer was 202. "A majority of *all*" these votes was 102. Mr. Lorimer received 108, or 6 more than "a majority of *all* votes of said joint assembly."

But at least 7 of these were tainted. This leaves 101 votes for Mr. Lorimer, or one less than "a majority of *all* the votes of said joint assembly," as required by the specific words of the statute.

If to these 7 corrupt votes, the Senate concludes that the 3 votes of Representatives Luke, Clark, and Shephard should be added, there were 10 tainted votes that went to make up the entire 108 that Mr. Lorimer received.

Deducting these 10 from this 108 leaves 98 untainted votes for Mr. Lorimer, or 4 less than "a majority of *all* the votes of said joint assembly."

All this is true, even admitting the soundness of the Senate precedents cited by the committee. These precedents are that no matter how many votes were bribed, yet if there was a majority of unbribed votes, the election is valid.

In the present case there was not an unbribed "majority of all the votes of said joint assembly." There was at least one vote less than an untainted majority. Including Clark, Shephard, and Luke as corrupt, there were four votes less than an untainted majority. So the election was invalid—it never legally occurred.

If it is said that these untainted votes must be expunged and considered as never having been cast, the answer is, in the words of the statute itself, that they were "present and voting."

The only reasonable and legal position is that those tainted votes actually were "present and voting," a part of the joint assembly; but because their votes were tainted they are not to be counted for the candidate for whom they corruptly voted. They were a part of the joint assembly present and voting because this was the case, but they are not to be counted for Mr. Lorimer, because they were bribed to vote for him.

This is the most restricted meaning that reasonably can be put on the statute and precedents. But I think the sound view is much broader. Not only should these votes be considered as "present and voting," which was the actual fact; not only must they be deducted from the vote cast for Mr. Lorimer because of their corruption, but also they must be added to the vote against Mr. Lorimer.

As I have shown above, it is not necessary to take this view in order to invalidate this election. I take it merely on principle as a matter of law when applied to this or any similar case.

All of these tainted votes were stanch partisans of the opposite party to Mr. Lorimer. For more than three months all of them

steadily had voted either for the candidate of their party, nominate at their party's primaries by popular vote, or, at least, against an Republican. None of them voted for any Republican until th notable 26th of May, when all of them cast their votes suddenly fo Mr. Lorimer upon the occasion of his election.

If they actually were bought to cast their votes for Mr. Lorime it follows that they would have continued to vote as they hithert had done, either for the primary nominee of their own party or a least for some other member of their own party. Was it not for th very purpose of preventing them from so voting and inducing then to vote for Mr. Lorimer that they were bought? If not, for wha purpose were they bought?

And were they bought if the buyers did not think their votes wer necessary? Is it possible that large sums of money were spent t purchase votes that were not needed? Were thousands of dollar thrown away and the risk of the penitentiary incurred for nothing at all?

While, as I have shown, it is not necessary to a decision of this case yet I challenge the Senate precedents cited by the majority that ever though it be proven that any number of votes were bribed, yet if there were a majority of untainted votes the election can not be questioned

If only one case of bribery be clearly established in the election o a Senator, I hold that this invalidates the entire election. In my opinion, one act of bribery makes the whole election foul.

In the language of my illustrious predecessor in this body, Senator Morton, "Bribery is to an election what fraud is to a contract."

It is said in defense of these precedents that it would be hard on a personally guiltless and successful candidate who had an honest majority if his election should be invalidated by votes corrupted in his behalf which were not enough in number to destroy his honest majority.

The clear answer is that it is harder on the people whose representative this candidate is to have any corrupt influences employed in his behalf.

We can not consider the personal fortunes or even feelings of a candidate in determining the law of election cases. The candidate is not on trial. The election is on trial. Was the election pure and free, or influenced and venal? The candidate is nothing; the people are everything. Or, rather, the candidate is nothing, except as the representative of the people.

Our business is to guard the purity of elections. Our concern is to permit no chances to be taken. Yet chances always are taken under these ill-considered precedents—dangerous chances. For if a number of corrupt votes are plainly proven to be such, it is reasonable to suppose that others were cast equally corrupt which could not be proven to be such. The law recognizes no more difficult task than that of proving bribery or conspiracy to bribe.

And would this untainted majority be cast if the uncorrupted votes positively knew of the bribery being practiced for the candidate for whom they voted? If honest members of a legislature innocently vote for a candidate for Senator for whom corrupt members of the legislature were bribed to vote, would these honest members have so voted had they known of this bribery? This simple illustration will

rove convincingly the unsoundness of the precedents which I am ssailing.

So I propose that we overthrow such unsound precedents and es- ıblish a new Senate precedent, that one act of bribery in the election f a Senator makes such an election void—makes an election foul.

The public welfare, the theory of free and fair elections, which it ; our sole business to safeguard, and which is the reason and origin f the power we are now exercising, requires the establishment of ıis new Senate precedent.

We should in this case establish the law of the Senate in conformity ·ith the ancient common law. We should declare that one act of ribery makes a whole election foul.

This pronouncement by the Senate of the United States would pre- ent an ambitious and wealthy candidate from perpetrating bribery ɔ make his election sure and doing it in such a way as to cover up is tracks. It would give a needed pause to corrupt interests that ndertake to make the election of their favorites certain by corrupt ractices. It absolutely would prevent overzealous friends, inspired y nothing but the heat of battle and devotion to their favorite, from ndertaking to secure his success by infamous methods.

If we make a new Senate precedent that one act of bribery makes whole election foul, we shall have an end of the amusing and over- ·orked argument of the improper activities of too enthusiastic riends bribing voters for their favorite without any other motive han their fanatical and money-sacrificing devotion to him.

The time has arrived when we had much better take to heart the ɔeople's unsullied and uninfluenced representation than that we should ontinue to bemoan the possible fate of a virtuous candidate in ·hose behalf the heinous crime of bribery has been practiced, whether ·y venal interests or by well-intentioned but overzealous and finan- ially affluent friends.

But waive this point. The evidence shows it is not necessary to a lecision of this case. I advance it only because this body ought to stablish now that one act of bribery invalidates an election.

And this suggests another untenable view heretofore suggested n election cases and which we should now decisively negative. This ·iew is that a single act of bribery perpetrated or countenanced by a ɔerson elected to the Senate of the United States does not void the lection, but only so taints such a person that he must be expelled. That is, if the sitting Senator personally perpetrated or countenanced ɔribery to secure his election his seat can not be vacated by a majority ·ote, but he must be expelled by a two-thirds vote.

I think it clear that this view is wrong. The argument for it is hat the bribing Senator is guilty only of a moral defect which ren- lers him unfit to be a member of this body.

It is as if such a Senator had a contagious disease such as small- ɔox, or that he was dangerously insane, or that he had committed reason, and yet, in any of these cases, insisted upon sitting among ıs. In any of these cases or others that may suggest themselves such ı member may be expelled, but only by a two-thirds vote.

The reason a two-thirds vote was provided in the Constitution to ·xpel a member was that the mental, moral, or physical defect should ɔe so unquestionable that two-thirds of this body would be impelled ·o vote for expulsion.

And yet it is upon these grounds and these only that the argumen is made that a Senator guilty or knowing of bribery in his electio must be expelled by a two-thirds vote rather than his election invali dated by a majority vote.

This position is so dangerous to the public welfare, so contrary to public policy, so abhorrent to reason and repugnant to justice that I repudiate and challenge it.

For conceding that an elected Senator had a majority of perfectly honest votes, would they have so cast their votes if they had known that the candidate was bribing other votes.

Let me put an illustration personally to each Senator here. Suppose that we are electing some man to some office within our gift. Suppose that all but one of us were honest and earnest in our intended votes for this man. But suppose that just before our vote we discovered that he had bribed or countenanced the bribery of one of our number. Would a single one of us with such knowledge vote for the man for whom until that moment we had intended to vote? Of course not.

So it is that one act of bribery perpetrated or countenanced by any Senator to secure his election vitiates the same. It does not necessitate an act of expulsion requiring a two-thirds vote, but a resolution requiring a majority vote invalidating the election.

Was Mr. Lorimer informed of what was going on in his behalf? While not necessary to a decision of this case, the evidence and circumstances require the Senate to consider this point.

From his speech on this case in this body it appears that Mr. Lorimer is a seasoned politician of nearly 30 years' experience in practical politics in one of the greatest cities of the country and of the world—a superb organizer who gives attention to the very smallest details of any election.

Mr. Lorimer was on the ground during practically the whole session of this legislature. He was there principally for the purpose of defeating the will of the voters of his party as declared in the primary. He was the "intimate" friend of the leader of the opposite party, Mr. Browne, and had been such for years.

It appears that Mr. Lorimer himself finally developed as a solution of the deadlock which he had precipitated to defeat the decree of the primaries of his own party. To secure his election, he absolutely required the votes of large numbers of members of the general assembly from the opposite party.

His "intimate" friend for years, Mr. Browne, who was the leader of the minority and the captain of a faction, became his needed assistant.

But even Browne, the chief of a minority faction, declined to permit the votes of his faction to go to Mr. Lorimer unless Browne could be assured that with the votes Browne might get Mr. Lorimer could get enough others certainly to elect him.

With this understanding and for this purpose the two "intimate" friends, Browne and Lorimer, worked together for at least 10 days or two weeks. During this time they were in repeated and almost continuous conference, night as well as day, and both were seasoned practical politicians.

If we believe that anybody at all was bribed, the testimony shows that it was during these fateful 10 days or 2 weeks that the bribery

as arranged. If we believe that anybody at all was bribed, the evidence shows that Browne was the chief instrument of bribery.

Taking these things all together, did everything occur that the evidence shows to have occurred without Mr. Lorimer's knowledge? Even if the corruption fund came from sources higher up, did those exalted sources of iniquity pass by Mr. Lorimer, whom they were trying to elect with this putrid money without his knowing a thing about it?

In law Mr. Lorimer must be held to have knowledge of these transactions in his behalf.

If so, I contend that his election is invalid upon this ground. If Senators believe that he knew and countenanced a single act of bribery we need not conclude that we must expel him by a two-thirds vote. We need only to conclude that his election was invalid and so declare by a majority vote.

But for the purpose of this particular case it is not necessary to raise the question of Mr. Lorimer's knowledge of any bribery in his behalf. I raise it only because personally I want to go on record against the proposition hitherto advanced, that an act of bribery by a successful candidate does not invalidate his election, but only taints the successful candidate himself.

I conclude that this election was invalid under any possible view of the law. If the Senate so concludes, it is our duty to so declare. Therefore I submit the following resolution:

"*Resolved*, That William Lorimer was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois."

ALBERT J. BEVERIDGE.

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61st Congress, 3d Session. | SENATE. | Rept. 942, Part 4.

ELECTION OF SENATOR LORIMER.

JANUARY 30, 1911.—Ordered to be printed.

Mr. FRAZIER, from the Committee on Privileges and Elections, submitted the following

VIEWS.

[To accompany S. Res. 247.]

It is with great reluctance that I differ with my colleagues on the subcommittee, but feeling impelled to do so, I beg leave to state briefly my views and conclusions in this case.

As I understand the precedents as established by the Senate and the other branch of Congress, and now recognized as the law governing such cases, they are:

First. If the proof establishes the fact that the Member whose seat is in question because of alleged bribery or corrupt practices resorted to in his election has himself been guilty of bribery or corrupt practices, or knew of or sanctioned such corrupt practices, he may be unseated without reference to the number of votes thus corruptly influenced.

Second. If the proof fails to show that the Member knew of or participated in or sanctioned such corrupt practices, then, in order to justify unseating him, the proof must show that enough members of the legislature voting for him were bribed or influenced by corrupt practices that deducting their votes from the total vote received by him would reduce his vote below the constitutional majority required for his election.

While there are some facts and circumstances in this case tending to show that Senator Lorimer may have heard of or known that corrupt practices were being resorted to, and while Senator Lorimer failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator Lorimer was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

This being true, the question then arises, Was bribery or corrupt practices used by others in his behalf to influence votes for him; and, if so, were enough votes thus tainted with fraud and corruptly influenced when excluded to reduce his vote below the legal majority required for his election?

The Legislature of Illinois consisted of 204 members. There were present and voting on the occasion of the election of Senator Lorimer 202 members. A quorum of both houses being present, in my opinion, he must have received a majority of all those present and voting, or 102 votes, to have been elected. Senator Lorimer received 108 votes, or 6 more than necessary to elect.

The testimony taken by the committee satisfies me that four members of the legislature were paid money for voting for, or in consequence of having voted for, Senator Lorimer. One senator and three representatives admitted under oath before the committee that they were paid money, and their admissions and the facts and circumstances surrounding the transactions satisfy me that they received it as a bribe for or in consequence of their votes for Senator Lorimer.

The four self-confessed bribe takers implicate three other members of the legislature who voted for Senator Lorimer as the persons who bribed them. The testimony satisfies me that the three alleged bribe givers were guilty of that offense. To my mind the man who bribes another is as corrupt as the one who is bribed, and by his corrupt act of bribery he demonstrates the fact that he is none too honest to receive a bribe if offered him.

While the proof is not clear or conclusive that these three bribe givers were themselves bribed or corruptly influenced to vote for Senator Lorimer, when I take into consideration their corrupt conduct as bribers of others, together with all the facts and circumstances surrounding this case, I can not bring myself to agree with the majority of the subcommittee that their votes are free from taint or corruption. These three votes added to the four confessedly bribed would make seven tainted votes. Eliminate them, and the vote received by Senator Lorimer was less than a majority of the votes cast.

As stated above, it is with hesitancy and great reluctance that I differ with my colleagues upon the subcommittee, but I have felt impelled to do so after a most careful and, I trust, unbiased study of this record. In view of the fact that I appear to stand alone in the views herein expressed, I make no recommendation to the committee, but I do ask that members of the committee not members of the subcommittee carefully read all of the testimony before forming an opinion.

At the time the foregoing statement of my views and conclusions were filed with the full Committee on Privileges and Elections it was my purpose to file in the Senate a more elaborate statement, setting out in full the reasons which led me to the conclusions reached. It was also my purpose to offer with such statement a resolution declaring that Senator Lorimer was not legally elected Senator from the State of Illinois.

Since then, to wit, on January 9, 1911, the Senator from Indiana (Mr. Beveridge) has filed an extended statement of his views, with copious reference to the testimony and has offered a resolution of the character referred to. Hence it is not necessary for me at this time to file either the more extended report contemplated or the resolution. I am gratified that the Senator from Indiana concurs in the conclusion reached by me as to the election of Mr. Lorimer. In the resolution offered by him with respect thereto I concur.

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